COMPLAINT FORM

JUDICIAL COUNCIL OF THE SECOND CIRCUIT

COMPLAINT AGAINST JUDICIAL OFFICER UNDER 28 U.S.C. § 372(c)

INSTRUCTIONS:

(a) All questions on this form must be answered.

(b) A separate complaint form must be filled out for each judicial officer complained against.

(c) Submit the correct number of copies of this form and the statement of facts. For a complaint against:

a court of appeals judge -- 3 copies
a district court judge or magistrate -- 4 copies
a bankruptcy judge -- 5 copies

(For further information see Rule 2(e)).

(d) Service on the judicial officer will be made by the Clerk's office. (For further information See Rule 3(a)(1)).

(e) Mail this form, the statement of facts and the appropriate number of copies to the Clerk, United States Court of Appeals, United States Courthouse, Foley Square, New York, New York 10007.

1. Complainant's name: GEORGE SASSOWER

Address: 16 Lake Street
White Plains, NY 10603-3852

Daytime telephone (with area code): (914) 949-2169

2. Judge or magistrate complained about:

Name: Judge Charles L. Brieant

Court: District Ct. Judge

3. Does this complaint concern the behavior of the judge or magistrate in a particular lawsuit or lawsuits?

[ ] Yes [✓] No

If "yes," give the following information about each lawsuit (use the reverse side if there is more than one):

Court: _____

Docket number: _____

Docket numbers of any appeals to the Second Circuit: _____

_____

Did a lawyer represent you?

[ ] Yes [✓] No

If "yes" give the name, address, and telephone number of your lawyer:

4. Have you previously filed any complaints of judicial misconduct or disability against any judge or magistrate?

[✓] Yes [ ] No

If "Yes," give the docket number of each complaint.

87-8503; 90-8556; 90-8560; 90-8561; 90-8562

5. You should attach a statement of facts on which your complaint is based, see rule 2(b), and

EITHER

(1) check the box and sign the form. You do not need a notary public if you check this box.

[✓] I declare under penalty of perjury that:

(1) I have read rules 1 and 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints of Judicial Misconduct or Disability, and
(2) The statements made in this complaint and attached statement of facts are true and correct to the best of my knowledge.

George Sassower
(signature)
Executed on July 9 1993
(date)

OR

(2) check the box below and sign this form in the presence of a notary public;

[ ] I swear (affirm) that--

(1) I have read rules 1 and 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints of Judicial Misconduct or Disability, and
(2) The statements made in this complaint and attached statement of facts are true and correct to the best of my knowledge.

_____
(signature)
Executed on _____
(date)

Sworn and subscribed to
before me _____

_____
(Notary Public)
My commission expires:

U.S. District Court Judge CHARLES L. BRIEANT
28 U.S.C. §372[c]

1. This is a complaint against District Court Judge CHARLES L. BRIEANT ["Brieant"], is based upon his FRCivP 36 admissions in Sassower v. Abrams (SDNY 92-08515[PKL]) of November 27, 1992 (Exhibit "A"); the 3g Statement in Sassower v. McFadden (93-0342 [PKL]) of February 1, 1993 (Exhibit "B"), and the FRCivP 36 admissions in Sassower v. Abrams (supra) of February 8, 1993 (Exhibit "C"), almost all of which have independent confirmation.

2. By "paying-off" the "syndicate" of Brieant and Presiding Justice FRANCIS T. MURPHY ["Murphy"], they, their bagmen, and cronies were able to take all of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], divert monies payable "to the federal court" to their pockets, and extort from HYMAN RAFFE ["Raffe"] sums of monies that "exceed $2,000,000".

3. The aforementioned, together with Brieant's other criminal activities, compels the conclusion that he is probably the most corrupt federal jurist in American legal history.

4. A copy of this complaint is being sent directly to the National Commission on Judicial Discipline & Removal for, inter alia, consideration in its Final Report and Recommendations.

Dated: July 9, 1993

GEORGE SASSOWER
16 Lake Street,
White Plains, NY 10603
(914) 949-2169

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

GEORGE SASSOWER,
Plaintiff,
-against-
ROBERT ABRAMS, FRANCIS T. MURPHY, XAVIER C. RICCOBONO, CHARLES L. BRIEANT, JAMES L. OAKES, A.R. FUELS, INC., HYMAN RAFFE, HOWARD BERGSON, FRED L. SHAPIRO, DONALD DIAMOND, CAROLYN CAIRNS OLSON, and MATTHEW T. CROSSON,
Defendants.

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Docket No.
92 Civ. 8515 [LBS]

NOTICE TO ADMIT
[Charles L. Brieant]
First Set

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, plaintiff [hereinafter "GS"] requests that defendant, CHARLES L. BRIEANT, admit the following:

1. With your consent, U.S. Attorney OTTO G. OBERMAIER ["Obermaier"] represents you, a named defendant, in this action, although no 28 U.S.C. 2679 "scope" certificate has been applied for and/or issued.

2. Although you are being sued in a personal capacity, you have not compensated or reimbursed, nor do you expect to compensate or reimburse, either U.S. Attorney Obermaier or the federal government for this legal representation or the expenses incurred thereby.

3. You are Chief Judge of the U.S. District Court for the Southern District of New York.

4. During the period of GS's litigation in the United States District Court for the Southern District of New York, you employed, as your law clerk, the son of Presiding Justice FRANCIS T. MURPHY ["Murphy"] of the Appellate Division, First Judicial Department, while Presiding Justice Murphy employed your son, at the Appellate Division.

5. The compensation for the son of Presiding Justice Murphy came from federal funds, while the compensation for your son came from state funds.

6. During such period of cross-employment, you were familiar with 28 U.S.C. §458 which provides:

> "No person shall be appointed to or employed in any office or duty in any court who is related by affinity or consanguinity within the degree of first cousin to any justice or judge of such court."

7. During such period of cross-employment, you were familiar with the holding in Spector v. State Comm. on Judicial

Exhibit "A"

Conduct (47 N.Y.2d 462, 418 N.Y.S.2d 565, 392 N.E.2d 552 [1979]), wherein less egregious cross-appointments were involved, and for which the Court held (at 466, 566, 553):

> "Our analysis recognizes two levels of consideration. The progression may be simply stated. First, nepotism is to condemned, and disguised nepotism imports an additional component of evil because, implicitly conceding that evident nepotism would be unacceptable, the actor seeks to conceal what he is really accomplishing. Second, and this peculiar to the judiciary, even if it cannot be said that there is proof of the fact of disguised nepotism, an appearance of such impropriety is no less to be condemned than is the impropriety itself."

8. During such period of cross-employment between Presiding Justice Murphy and yourself, GS was one of the persons suspected of transmitting information to the media and/or independently publishing material concerning: (1) the disguised nepotism practices between yourself and Justice Murphy; (2) professional disciplinary procedures being employed for the personal ends of Justice Murphy; (3) the "patronage mill" operating at the Justice Murphy Courthouse; (4) the larceny and plundering of judicial estates; (5) the corrupt administrative practices in the First Department by LOUIS FUSCO ["Fusco"] and XAVIER C. RICCOBONO ["Riccobono"], wherein "pay-offs" were openly the coins of the judicial realm; (6) and other similar corrupt activities.

9. You were aware during the GS litigation in the Southern District of New York, that GS was openly accusing Presiding Justice Murphy of employing his judicial office in order to facilitate the larceny and plundering of judicial trust assets, including that of PUCCINI CLOTHES, LTD. ["Puccini"].

10. Newsday, published at least two article two articles concerning some of the activities of Presiding Justice Murphy, insofar as you were implicated.

11. Plaintiff made such Newsday disclosures the subject of his personal publication and distribution, mailing you a copy thereof.

12. At no time prior to December 10, 1987 did you have any relationship, in a judicial capacity with GS, related to Puccini.

13. At no time prior to December 10, 1987 did you have any relationship, in a judicial capacity, with Puccini, HYMAN RAFFE ["Raffe"], DENNIS F. VILELLA ["Vilella"], HAROLD COHEN ["Cohen"], DONALD LEIGHTON ["Leighton"] and/or SAM POLUR, Esq. ["Polur"].

14. At all times, the action, whose short title was Sassower v. Sapir, et al. (Docket Number 87 Civ. 7135) carried the identifying initials of "CSH", as part of the Docket Number.

15. "CSH" identified U.S. District Court Judge CHARLES S. HAIGHT ["Haight"] as the jurist assigned to adjudicate the case.

16. On December 10, 1987, without any notice or due process, you dismissed GS's action in Sassower v. Sapir (supra), without prejudice, which action was then and always had been pending before Judge Haight.

17. As part of your Memorandum and Order of December 10, 1987, which bore the initials of CSH as part of its Docket Number, you stated:

> "The Clerk of this Court is hereby ORDERED not to accept for filing any paper or proceeding or motion or new case of any kind presented by Mr. George Sassower, or naming him as a party plaintiff or petitioner, without the leave in writing first obtained from a judge or magistrate of this Court ... ."

18. The following day, again without notice, without any opportunity to object or controvert, you issued a similar Order to the U.S. Bankruptcy Court for the Southern District of New York.

19. You did not pretend, in either the Order of December 10, 1987 or December 11, 1987, that your actions were in a judicial capacity or that you had jurisdiction over GS or his causes.

20. The only authority for cited for your Order of December 10, 1987 was 28 U.S.C. §137, which provides:

> "The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court. The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe. If the district judges in any district are unable to agree upon the adoption of rules or orders for that purpose the judicial council of the circuit shall make the necessary orders."

21. You knew on December 10, 1987 that neither 28 U.S.C. §137 nor any rule or order gave you the right to intrude into an action assigned to another judge, dismiss such action, and prohibit the filing of any future papers in that district

(see United States v. Heath, 103 F. Supp. 1 [Hawaii-1952]; Katz v. Lerner, 713 F. Supp. 568 [EDNY-1989]).

22. You knew on December 10, 1987 and at all times thereafter that your actions were "coram non judice and void" (United States v. Heath, supra).

23. However, since GS needs permission to move to invalidate your December 10, 1987 Order or bring an action to declare it invalid, you and/or your court has denied GS permission to make such motion or bring such action.

24. With respect to your Order of December 11, 1987, you did not even pretend to have authority for your actions over the Bankruptcy Court and have none.

25. In your Memorandum and Order of December 10, 1987 the title of GS's amended complaint in Sassower v. Sapir is set forth in full.

26. Such title in your Memorandum and Order of December 10, 1987, does not contain the name of Judge Haight.

27. Nevertheless, you falsely stated in your Memorandum and Order of December 10, 1987 that:

> "Judge Haight himself has been added to the case as a defendant, along with Judge Conner of this Court."

28. Although your attention has been drawn to such false statement a number of times, you have deliberately and intentionally failed and refused to correct same.

29. You contrived the statement that GS included Judge Haight as a party defendant, and have refused to correct same, because it would destroy the entire raison d' etre of your Memorandum and Order.

30. In your Memorandum and Order of December 10, 1987, you stated:

> "It is quite clear to me that the amended complaint which added Judge Haight as a party defendant, was served after Judge Haight had, by a memorandum and order dated November 18, 1987, filed herein, determined that all motions of plaintiff in this action should be held in abeyance, and no more should be filed, until Judge Haight decided a motion by defendant decided a motion by defendants to dismiss the action as violative of an injunction issued in this Court against the plaintiff Mr. Sassower and reported, sub nom Raffe v. Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985), and it is also clear that inclusion of the

assigned judge as an addition defendant had the effect, and probably the purpose of disrupting the orderly judicial process of this district court insofar as concerns the motion to dismiss."

31. On December 10, 1987, you knew that GS amended his complaint in Sassower v. Sapir after he obtained a copy of the "Bill [Conner] to Terry [Haight]" "fixing memorandum" which precipitated the sua sponte Order of November 18, 1987 of Judge Haight.

32. You further stated in your Memorandum and Order of December 10, 1987 that:

> "Plaintiff ... must be deemed to recognize that the Amended Complaint violates the 1985 injunction."

33. Where the actions complained about in Sassower v. Sapir took place in 1986 and 1987, a 1985 injunction cannot possibly immunize such subsequent conduct, particularly since Judge Conner's decision so states, as you must have and did recognize.

34. You further stated in such Memorandum and Order of December 10, 1987:

> "Judge Haight, and for that matter Judge Conner also, are immune from this sort of litigation."

35. Even before Forrester v. White (484 U.S. 219 [1988]) you knew that "fixers", such as Judge Conner, or those who solicited the "fixing" action by Judge Conner, were not immunized from a Dennis v. Sparks (449 U.S. 24 [1980]) damage lawsuit.

36. In or about July of 1989 you issued an edict which physically barred GS from the Federal Building and Courthouse in White Plains, N.Y. 10601, all without notice or due process.

37. You confirmed the existence of such physical exclusion edict in a letter of Congresswoman NITA M. LOWEY ["Lowey"], and/or a member of her staff, dated January 23, 1990, which read as follows:

> "This letter responds to your inquiry ... concerning George Sassower. ... The prior exclusion order remains in effect, unless and until his physical presence is actually required. ..."

38. Such physical exclusion edict has remained in effect since its issuance to this date.

39. Except for the appearance of GS under a subpoena to testify, such physical exclusion edict was not modified during the non-summary contempt proceeding before U.S. District Judge GERARD L. GOETTEL ["Goettel"] in George Sassower v. City of New Rochelle (77 Civ. 5728-LBS]), and GS was excluded during such proceedings.

40. You knew and know that the physical exclusion of GS during the hearings in George Sassower v. City of New Rochelle was unlawful.

41. Except for the appearance of GS under a subpoena to testify, such physical exclusion edict was not modified during the trial or other public judicial proceedings of E.R. Sassower v. Field (88 Civ. 5775 [GLG]).

42. You knew and know that the physical exclusion of GS during the trial and other public judicial proceedings in E.R. Sassower v. Field (supra) was unlawful.

43. You knew and know that the physical exclusion of GS from the Federal Courthouse in White Plains, violated Amendment VI of the U.S. Constitution of all defendants in the criminal proceedings held in that building.

44. You knew and know that the physical exclusion of GS from the Federal Courthouse in White Plains, violated the due process rights of all civil litigants in that Courthouse.

45. You have actively involved yourself and acted on behalf of KREINDLER & RELKIN, P.C. and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. and have employed your official status as Chief Judge for that purpose.

Dated: November 27, 1992

Respectfully submitted,

GEORGE SASSOWER [GS-0521]
Plaintiff, pro se
16 Lake Street,
White Plains, N.Y. 10603
914-949-2169

To: U.S. Attorney Otto G. Obermaier
Att: AUSA Robert W. Sadowski
Attorney General Robert Abrams
Att: AAG Carolyn Cairns Olson
Duncan, Fish & Bergson, Esqs.
Att: Howard M. Bergson, Esq.
Fred L. Shapiro, Esq.
Donald Diamond, Esq.
Matthew T. Crosson, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

GEORGE SASSOWER,

Plaintiff,

-against-

JOHN McFADDEN; et al., et el.,

Defendants.

----------x

Docket No. 93-0342 [PKL]

PLAINTIFF'S 3g STATEMENT

1. None of the federal defendants, represented by the U.S. Attorney, including CHARLES L. BRIEANT ["Brieant"] ... have applied for and/or received a 28 U.S.C. §2679[d] "scope" certificate.

2. The federal defendants being represented by the U.S. Attorney, including Brieant ... know and are clearly aware that such federal representation, at federal cost and expense, in this personal capacity action is unauthorized (28 U.S.C. §547), and that they are defrauding the federal purse.

3. The U.S. Attorney OTTO G. OBERMAIER ["Obermaier"] and Assistant U.S. Attorney ROBERT W. SADOWSKI ["Sadowski"] also know and are aware that in this personal capacity action, their representation of the federal defendants is unauthorized and they are defrauding the federal purse.

4. Obermaier, Sadowski and the federal defendants in this action, including Brieant ... know and are aware that their actions as alleged herein, which includes the diversion of monies payable "to the federal court" to private pockets, are contrary to the legitimate and monetary interests of the United States.

5. Obermaier, Sadowski and the federal defendants in this action, including Brieant ... know and are aware that their actions as alleged herein, are criminal in nature and violative of the federal criminal code.

6. The federal defendants being represented by the Obermaier and/or Sadowski, including Brieant ... as well as Obermaier and Sadowski, are aware that such personal capacity civil representation for criminal activities itself, compromises and obstructs the ability of the U.S. Attorney to prosecute them for their criminal activity in this jurisdiction.

7. The federal defendants being represented by the Obermaier and/or Sadowski, including Brieant ... , as well as Obermaier and Sadowski, are aware that such personal capacity civil representation violates the constitutional scheme for the separation of powers, and is unconstitutional.

Exhibit "B"

8. The federal defendants being represented by the Obermaier and/or Sadowski, including Brieant, ... , as well as Obermaier and Sadowski, are aware that such personal capacity civil representation, at federal cost and expense, is effectively an unlawful increase in these defendants' compensation, constitutes "taxable income", and that they defendants have no intention of reporting such "taxable income" on their tax returns, or paying taxes upon such income.

9. In 1987 there was pending plaintiff's action entitled Sassower v. Sapir (87 Civ. 7135 [CSH]) which was assigned to and under the exclusive judicial jurisdiction of U.S. District Court Judge CHARLES S. HAIGHT ["Haight"].

10. The complaint in Sassower v. Sapir (supra) contained a 18 U.S.C. §3057 cause of action, which under the circumstances alleged, left the U.S. Attorney with no discretion but to investigate, and "present the matter to the grand jury" or "report the facts to the Attorney General for his direction".

11. Unavoidable, in any 18 U.S.C. §3057 investigation by the U.S. Attorney, would have been the disclosure that U.S. District Court Judge WILLIAM C. CONNER ["Conner"] and Chief Judge Brieant were involved, along with, inter alia, KREINDLER & RELKIN, P.C. ["K&R"], CITIBANK, N.A. ["Citibank"], FELTMAN, KARESH, MAJOR & FARBMAN ["FKM&F"], and LEE FELTMAN ["Feltman"] in a bankruptcy fraud including violations of 11 U.S.C. §151 et seq.

12. A number of jurists, and other officials, had "reasonable grounds" for believing that Chief Judge Brieant, Judge Conner, K&R, Citibank, FKM&F and Feltman were violating 18 U.S.C. §151 et. seq., and aware of their mandatory obligations under 18 U.S.C. §3057, but did not give same obedience because of the positions held by Chief Judge Brieant and Judge Conner and their association with K&R, Citibank, FKM&F and Feltman in their criminal racketeering schemes.

13. In the early stage of the Sassower v. Sapir (supra), a manifestly suspect Order was issued by Judge Haight, and investigation by plaintiff unearthed a "fixing memorandum" from Judge Conner to Judge Haight, which unquestionably triggered the aforementioned suspect Order of Judge Haight.

14. Further investigation at that time revealed that such "Conner to Haight" `fixing memorandum' was solicited by FKM&F of Judge Conner in an ex parte meeting.

15. K&R. Citibank, FKM&F and Feltman were party defendants in Sassower v. Sapir (supra).

16. FKM&F solicited such "fix" by Judge Conner through EDWARD WEISSMAN, Esq. ["Weissman"], a member of the firm of FKM&F, and formerly a member of the firm of K&R.

17. K&R, Citibank, FKM&F, Feltman, with Chief Judge Brieant and others, were engaged at the time in the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], the diversion of monies payable "to the federal court" to private pockets, extortion, and other criminal racketeering activities,

18. In consideration for not being incarcerated under a trialess, without live testimony, conviction for non-summary criminal contempt, and for not having a criminal Report of Referee DONALD DIAMOND ["Diamond"] brought on for confirmation, HYMAN RAFFE ["Raffe"] had effectively surrendered all his creditor and equity interests in Puccini, agreed to pay the Brieant criminal entourage millions of dollars, agreed to execute releases in favor of, inter alia, all the federal judges of the Southern and Eastern District of New York, and agreed to other unlawful considerations.

19. Plaintiff, under existing circumstances, had legal standing to nullify the aforementioned Raffe extortion agreements, alternatively, legal standing was irrelevant because a judicial fraud was involved.

20. By reason of his involvement with the larceny of Puccini's judicial trust assets, the diversion of monies payable "to the federal court" to private pockets, the extortion of monies from Raffe, and his criminal activities, Chief Judge Brieant had a substantial pecuniary and criminal interest in preventing access to the courts to plaintiff.

21. Plaintiff exposed his knowledge of the Conner to Haight "fixing memorandum" by amending his complaint in Sassower v. Sapir (supra), as a matter "of course", by adding Conner as a Dennis v. Sparks (449 U.S. 24 [1980]) "fixing" co-defendant.

22. Upon learning of the existence of the Sassower v. Sapir (supra) action, and the addition of Conner as a co-defendant in that action, without notice, without any due process, Chief Judge Brieant intruded himself on December 10, 1987, upon the judicial bailiwick of Judge Haight and dismissed the Sassower v. Sapir (supra) action.

23. The December 10, 1987 edict of Chief Judge Brieant, bore the amended title in Sassower v. Sapir (supra), with the name of Conner as a co-defendant, and the initials of Judge Haight, as part of the Docket Number.

24. In the Chief Judge Brieant edict of December 10, 1987, which bore the title of the Amended Complaint, and with knowledge of his own transactional involvement in the action, and with actual knowledge that the assertion was false, fabricated, concocted and contrived, Chief Judge Brieant stated:

> "Judge Haight himself has been added to the case as a defendant".

25. The aforementioned knowingly false statement that plaintiff had added Judge Haight as a party defendant in Sassower v. Sapir (supra), was employed by Chief Judge Brieant as the pre-text for his intrusion into the Judge Haight bailiwick in such action.

26. Under the intrusive, without due process, edict of December 10, 1987, Chief Judge Brieant dismissed plaintiff's action, an action wherein Chief Judge Brieant had a transactional involvement and pecuniary interest, without prejudice, and prohibited plaintiff from filing any paper or document in the U.S. District Court for the Southern District of New York, without judicial permission, which is invariably denied by Chief Judge Brieant or his designee.

27. The following day, also without due process, and without subject matter or personal jurisdiction, as similar edict was issued by Chief Judge Brieant applicable to the Bankruptcy Part of that Court.

28. In July of 1989, without any notice or due process, and without subject matter or personal jurisdiction, Chief Judge Brieant denied plaintiff any and all physical presence in the Federal Building and Courthouse in White Plains, "unless and until his [plaintiff's] physical presence is actually required", and then only with the permission of Chief Judge Brieant or U.S. District Court Judge NICHOLAS H. POLITAN ["Politan"] of New Jersey.

29. At all relevant times, plaintiff resided at 16 Lake Street, White Plains, New York Apartment 2C.

30. Plaintiff's occupancy was with the express consent of his daughter, ELENA RUTH SASSOWER ["ERS"], the written consent of JOHN McFADDEN ["McFadden"], the contract vendor for said apartment, and with the written consent of 16 LAKE STREET OWNERS, INC. ["Owners"], the co-operative owners of said building.

31. Without the written consent of McFadden and Owners, and aware of his rights thereunder, plaintiff began his occupancy of Apartment 2C at 16 Lake Street, White Plains, New York 10603.

32. From a previous experience, plaintiff was aware that Chief Judge Brieant, and his criminal entourage, would employ any and all pre-text in order to harass plaintiff, including removal from the premises, and interfere with plaintiff's exposure of their criminal racketeering activities.

33. By reason of such consented possession, the settled law of the State of New York which recognized plaintiff's vested, constitutionally protected, interest in the aforementioned apartment.

34. By reason of such consented possession, the settled law of the State of New York deems plaintiff to be an indispensable party in every proceeding to gain possession of the premises for reasons other than non-payment of rent.

35. Thereafter, ERS and DORIS L. SASSOWER ["DLS"] commenced an action in the United States District Court for the Southern District of New York at White Plains based on the non-approval of a contract of sale by Owners, alleging reasons unrelated to plaintiff's occupancy.

36. Such action was commenced by ERS, DLS and McFadden under the assurance given by Owners and their agents, that the lack of consent for the approval of the contract of sale was unrelated to plaintiff's occupancy.

37. Nevertheless, despite the aforementioned assurance, Owners, by their attorney, LAWRENCE J. GLYNN ["Glynn"], alleged in their court-submitted answer, that the non-approval of the contract of sale for the aforementioned apartment was substantially related to plaintiff.

38. Based upon contrived allegations of plaintiff's misconduct, contained in Owners' Answer, and a change of intentions by plaintiff as to the duration of his occupancy at said apartment, plaintiff immediately moved to intervene in said ERS action, which right was absolute under the circumstances at bar (FRCivP, Rule 24[a]).

39. By reason of the non-due process and unlawful filing embargo of December 10, 1987, only a portion of plaintiff's motion papers ran the gauntlet, and based upon an incomplete transmitted set of papers, plaintiff's intervention motion was denied by U.S. District Court Judge Goettel.

40. By reason of the physical exclusion edict of July 1986, except for the short time that plaintiff testified under subpoena, plaintiff was not permitted to witness, even as a spectator, the trial, or any other judicial, proceedings in ERS et el. v. Field et el. (SDNY-88 Civ. 5775 [GLG]), albeit his constitutionally vested interests in the proceedings....

42. Glynn and Owners were conducting their defense in close cooperation with FKM&F and Chief Judge Brieant who were supplying them with information regarding plaintiff, in addition to "fixing" Judge Goettel.

43. In his enforcement capacity, Judge Goettel was giving the edicts of Chief Judge Brieant respect although he actually was aware of their unlawfulness and invalidity, including the intrusive nature of same upon judicial proceedings in which Judge Goettel had exclusive jurisdiction, ...

48. With knowledge that plaintiff was not a party to ERS v. Field (supra), not permitted to file papers in that or other actions or proceedings in that Court, and operating in tandem with FKM&F and Chief Judge Brieant, Glynn and Owners inundated the forum with disparaging, derogatory, and defamatory non-relevant material, which they all knew was false, deceptive and misleading, intending to cause plaintiff constitutional injuries.

49. To assure that such constitutional and other injuries would be caused to plaintiff, Chief Judge Brieant, Judge Goettel, and others caused such defamatory material to be published by MEAD DATA CENTRAL, INC. ["Lexis"] and WEST PUBLISHING COMPANY ["West" and "Westlaw"], including the Glynn and Owner Answer, concealing in such overpublications that plaintiff was not a party to the ERS v. Field (supra) action, was not permitted to intervene, and not permitted to witness the proceedings, even as a spectator.

50. On information and belief, as to every allegation set forth in the Glynn-Owner Answer, thereafter extra-judicially published by Lexis, West and Westlaw, there was no credible evidence introduced, or even attempted, to support the claims, with one notable exception.

51. In order to frustrate plaintiff's exposure of criminal racketeering conduct by members of the New York - Second Circuit judiciary, Referee DONALD DIAMOND ["Diamond"], without lawful authority (see CPLR §4317[b]) issued Orders to the Sheriff of Westchester County, while plaintiff was residing elsewhere in White Plains, as follows:

> "ORDERED, that the Sheriff of Westchester County is hereby authorized and directed, no later than April , 1986 to enter, search and seize any and all word processors, word processing equipment and related software, including without limitation an Exxon word processor, and all cash in the possession, custody or control of George Sassower ... and if entry cannot be obtained by peaceful means, the Sheriff shall enter the premises by any means necessary and may break and enter the premises; and it is further

ORDERED, that no later than April , 1986, the Sheriff of Westchester County shall file with Referee Donald Diamond an affidavit setting forth in detail and with particularity the property of George Sassower in his possession, and, in the event that the Sheriff has not seized the personality described in the preceding decretal paragraph, describing in detail the efforts made to so ..."

52. The Sheriff of Westchester County refused to obey such, and similar Orders of Referee Diamond.

53. Consequently, FKM&F aided and abetted by Chief Judge Brieant and others, induced Nassau County District Attorney DENIS DILLON ["Dillon"], in February of 1988, to arrest plaintiff in White Plains, and based upon such arrest to seize the property which the Sheriff of Westchester County refused to seize, notwithstanding that plaintiff's property had vested in the U.S. District Court for the District of New Jersey (28 U.S.C. §1334[d]).

54. Plaintiff's arrest, without prior notice, was jurisdictionally infirm (People v. Alejandro, 70 N.Y.2d 133, 517 N.Y.S.2d 927, 511 N.E.2d 71 [1987]), as was the seizure of plaintiff's property at 16 Lake Street, White Plains, NY 10603.

56. The pre-text for such arrest was that plaintiff was unlawfully practicing law in late June and early July of 1987 in the jurisdictional bailiwick of the Eastern District of New York.

57. The fact was, as known to Chief Judge Brieant, Judge Goettel, and others that plaintiff was a member of the Bar in Good Standing in the U.S. District Court for the Eastern district of New York at the time and until November 4, 1988.

58. The fact was, that Judge Goettel, by specific judicial demand, directed plaintiff to represent DENNIS F. VILELLA ["Vilella"] at and about the time in issue (Vilella v. Santagata, 87 Civ. 1450 [GLG]).

59. The jurisdictional invalidity of the arrest of plaintiff, the false grounds asserted for the such arrest, and similar vindicating matters, were also concealed by Judge Goettel in his published opinions.

60. On learning that such constitutionally damaging Judge Goettel decisions were being published by Lexis, plaintiff commenced an action in the Southern District of Ohio in November of 1991, and moved for injunctive and summary judgment relief.

61. U.S. Magistrate Judge Merz does not have "dispositive" powers with respect to summary judgment or injunction motions, as he was and is aware.

62. Nevertheless, Merz after being corrupted by, inter alia, the attorneys for Lexis, FKM&F and Chief Judge Brieant, "hijacked" and "waylaid" plaintiff's summary judgment and injunction motion, which he intended as a "final disposition" for such relief.

63. Merz imposed a similar "final solution" on plaintiff's second motion for summary and injunctive relief, although he knew he had no such power or authority.

64. A third motion, made on or about January 4, 1992, which corrected all the pre-textual reasons falsely asserted by Merz for not determining plaintiff's summary judgment and injunctive motions, simply was not processed or determined by Merz by reason of his corruption by, inter alia, Lexis and its attorneys.

65. Merritt has ratified all the aforementioned unlawful exercise of power by Merz with knowledge that Merz knowingly usurped lawful authority.

66. A similar action and injunctive motion, addressed to West and Westlaw was commenced in January of 1992 in the District of Minnesota, but after a "fix" by, inter alia, Chief Judge Brieant, that action lies fallow for more than one year.

67. Lexis, West, Westlaw, LCPC, and NYLJ have actually known for years that the New York - Second Circuit have been publishing defamatory, jurisdictionally infirm, opinions concerning plaintiff, causing constitutional injuries, for his exposure of criminal activities.

68. After notice was afforded to plaintiff's adversaries, and without a scintilla of evidence that plaintiff ever commenced a frivolous action or initiated a frivolous legal procedure, Newman barred plaintiff from filing in the U.S. Circuit Court of Appeals for the Second Circuit, absent permission, never obtainable. ...

Dated: February 1, 1993

Yours, etc.

GEORGE SASSOWER [GS-0512]
Plaintiff, pro se
16 Lake Street,
White Plains, N.Y. 10603
(914) 949-2169

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEORGE SASSOWER,

Plaintiff,

-against-

ROBERT ABRAMS, et el.,

Defendants.

Docket No.
92 Civ. 8515 [PKL]
Notice to Admit
[Charles L. Brieant]
[Second Set]

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, plaintiff requests that defendant, CHARLES L. BRIEANT ["Brieant"], admit the following second set of admissions:

1. Since November 27, 1992, the date plaintiff's first set of admissions were served, you still have not applied for or received any 28 U.S.C. §2679 "scope" certificate for your defense in this action, which is being made at federal cost and expense.

2. You have not applied for a 28 U.S.C. §2679 "scope" certification, nor has there been any indication that one would be issued if application were made, because you and the various U.S. attorneys are aware that you are engaged in criminal activities which are contrary to legitimate federal interests.

3. Since November 27, 1992, the date plaintiff's first set for admissions were served, you have not compensated or reimbursed, nor do you intend to compensate or reimburse, the federal government for this personal capacity representation, which is being made at federal cost and expense.

4. You are not aware of any case in the Southern District of New York, excepting those brought by plaintiff, where federal attorneys, at federal cost and expense, are representing tort defendants, who have not received a 28 U.S.C. §2679 "scope" certification nor adjudicated to be entitled to "scope" status.

5. You are not aware of any case in any federal court in any other federal judicial district, excepting those brought by plaintiff, where federal attorneys, at federal cost and expense, are representing tort defendants, who have not received a 28 U.S.C. §2679 "scope" certification nor have been adjudicated to be entitled to "scope" status.

6. You and the federal attorneys representing you, know that you and they are defrauding the federal government by this defense representation, at federal cost and expense.

7. You and the federal attorneys representing you, know that state representation, of state defendants, at state cost and expense, is violative of the Eleventh Amendment of the U.S. Constitution, and a subject matter jurisdictional infirmity.

Exhibit "C"

8. You and the federal attorneys representing you, know that such state representation, at state expense, is a fraud on the state treasury, in addition to being unconstitutional.

9. You and the federal attorneys representing you, know that the same state attorneys, cannot simultaneously represent ROBERT ABRAMS ["Abrams"], the statutory fiduciary, and those like FRANCIS T. MURPHY ["Murphy"], XAVIER C. RICCOBONO ["Riccobono"] and DONALD DIAMOND ["Diamond"] who are some of those who are aiding and abetting the raping of judicial trusts in which Abrams is the fiduciary.

10. You and the federal attorneys representing you, know that judges in this Court, including U.S. District Court Judge PETER K. LEISURE ["Leisure"] are permitting this fraud upon the federal treasury, by this federal representation, at federal cost and expense, without a 28 U.S.C. §2679 "scope" certificate because of your personal desires on the subject.

11. You and the federal attorneys representing you, know that judges in this Court, including U.S. District Court Judge Leisure are permitting this fraud by permitting state representation, at state cost and expense, notwithstanding the Eleventh Amendment of the U.S. Constitution, because of your personal desires on the subject.

12. You and the federal attorneys representing you, know that judges in this Court, including U.S. District Court Judge Leisure are permitting this fraud of permitting the simultaneous representation of Abrams and those who are engaged in the larceny of judicial trust funds over which Abrams is the fiduciary, because of your personal desires on the subject.

13. Your modus operandi is to involve others to aid and abet your criminal racketeering activities.

14. You and the federal attorneys representing you, determined to have Deputy U.S. Marshal MICHAEL WITKOWICH ["Witkowich"] and Deputy Clerk J. MICHAEL McMAHON ["McMahon"] submit false and perjurious statements, rather than tendering your own statement on the subject.

15. You and your attorneys were aware that under such modus operandi you and they were, inter alia, suborning perjury.

16. When you issued your oral edict of July 1989, you were aware that plaintiff had not been in the Federal Building and Courthouse in White Plains during the months of March, April, May, June, and the first half of July 1989.

17. You issued your oral edict of July 1989, before plaintiff's first visit to the Federal Building and Courthouse in White Plains in July of 1989.

18. On and prior to January 28, 1993, you and your federal attorneys intentionally concealed from Deputy U.S. Deputy Marshal Witkowich, that under your signature, you wrote in January of 1990 "[t]he prior exclusion order [of plaintiff] remains in effect, unless and until his physical presence is actually required. ..." [emphasis supplied]

19. Your aforementioned written statement concerning plaintiff's physical exclusion was quoted in plaintiff's undenied Notice to Admit dated November 27, 1992, and you and your attorneys intentionally concealed such fact from Deputy U.S. Marshal Witkowich when he executed his affirmation of January 28, 1993.

20. Your aforementioned quoted written statement concerning plaintiff's physical exclusion was contained in plaintiff's uncontroverted motion dated January 25, 1993, and you concealed such fact from Deputy U.S. Marshal Witkowich when he executed his affirmation of January 28, 1993.

21. In Sassower v. Brieant (90-M-49 [TPG]), an allegation of plaintiff's July 19, 1990, complaint, reads as follows:

> " 8. In or about August [sic] of 1989, under a conspiratorial arrangement made by and between Brieant and [U.S. District Court Judge] Politan [of New Jersey], without even a pretense of due process or lawful authority, by oral edict, not made in plaintiff's presence or knowing, Brieant physically excluded plaintiff, as he thereafter learned, from the entire Federal Building in White Plains, and each and every part thereof, including the common areas and areas not under Brieant's exclusive or police power control, `unless and until his [plaintiff's] physical presence is actually required', as Brieant, six (6) months later, wrote."

22. You and your federal attorneys deliberately and intentionally concealed your 1990 written statement, and all evidence that such statement existed, from Deputy U.S. Marshal Witkowich, in order that he sign a substantial different variant, which he did, under penalties of perjury, on January 28, 1993.

23. You and your federal attorneys were reasonably certain that if Deputy U.S. Marshal Witkowich knew of the existence of your January 1990 written statement, he would not have signed his perjurious statement of January 28, 1993.

24. Prior to January 28, 1993 you never received a complaint from anyone, at any time, that plaintiff had ever "disrupted the orderly operation of Courthouse business by monopolizing the attention of personnel in the Clerk's Office".

25. Prior to January 28, 1993, you never stated or asserted to anyone, including Deputy U.S. Marshal Witkowich, that plaintiff had ever "disrupted the orderly operation of Courthouse business by monopolizing the attention of personnel in the Clerk's Office".

26. As far as you know neither Deputy U.S. Marshal Witkowich nor any other member of the U.S. Marshal's Office, ever saw plaintiff "disrupt the orderly operation of any courthouse business by monopolizing the attention of the personnel".

27. The Deputy U.S. Marshal Witkowich statement of January 28, 1993, made under penalty of perjury, states that:

> "Chief Judge Charles L. Brieant [in July of 1989] directed the United States Marshal to stop Sassower from entering the Courthouse unless the United States Marshal determined that ... Sassower was not enter[ing] the Courthouse ... to disrupt the orderly operation of Courthouse business by monopolizing the attention of personnel in the Clerk's Office",

was and is false and deceptive, and known by you and your federal attorneys to be false and deceptive.

28. Prior to January 28, 1993 you were unaware of plaintiff ever being in the chambers of any U.S. District Court judge in the White Plains building.

29. Prior to January 28, 1993, you never stated or asserted to anyone, including Deputy U.S. Marshal Witkowich, that plaintiff was prohibited from entering the chambers of judges in the White Plains Federal Building and Courthouse, as distinguished from the building itself.

30. The fact is, as you are aware, that you had no authority to prohibit plaintiff's presence in any judge's chambers, if that particular judge desired or directed same.

31. On January 28, 1993, you were not aware of a single incident when "the United States Marshal stop[ped] Sassower from entering the Courthouse".

32. On January 28, 1993, you were not aware of a single incident where "the United States Marshal" inquired of plaintiff as to the "purpose" of plaintiff's visit or of any "interview ... to determine what [plaintiff's] intentions [were] in the Courthouse."

33. Deputy U.S. Marshal Witkowich was induced to execute a false and deceptive written statement, for judicial consideration, when he stated on January 29, 1993:

> "I assisted in his [plaintiff's] arrest in July [sic] 1989, pursuant to a warrant issued by the Hon. Nicholas H. Politan of the United States District Court of the District of New Jersey. Sassower was arrested and charged with criminal contempt for violating an injunction issued by Judge Politan precluding Sassower from filing frivolous papers in the United States District Court for the District of New Jersey."

34. You and Deputy Witkowich knew that from early March of 1989 until about May 17, 1989, plaintiff repeatedly wrote that if shown a valid warrant of arrest he would voluntarily surrender.

35. However, you desired a public arrest to be made of plaintiff, preferably in White Plains, consequently numerous U.S. marshals, at considerable federal cost and expense, for almost three (3) months, attempted to locate and arrest plaintiff.

36. You and your federal attorneys also know that the so-called "frivolous" paper, mentioned in the statement of Deputy U.S. Marshal Witkowich, was not frivolous, but a motion which attempted to terminate the "extortion" payments made by HYMAN RAFFE ["Raffe"] to your cronies, payments which in his words, "were bleeding [him] to death".

37. You are aware that any investigation into the extortion payments made by Raffe to avoid, inter alia, incarceration under a criminal conviction, would probably result in your indictment, impeachment and incarceration.

38. Although you were a defendant in an action before U.S. District Court Judge NICHOLAS H. POLITAN ["Politan"] of New Jersey, you and he were in private communication with each other.

39. It was you who, in and about March 1988 caused Judge Politan to, sua sponte, issue an order which prohibited communication between petitioner and the clerks of that Court.

40. Although sued in your personal capacity, and although no 28 U.S.C. §2679 "scope" certificate had been applied for or issued, you were represented in New Jersey and the Third Circuit by the U.S. Attorney of New Jersey, at federal cost and expense.

41. You were and are aware that by such federal representation, at federal cost and expense, you were defrauding the federal government.

42. You were and are aware that the reasonable cost of such federal representation in New Jersey and Third Circuit was and is "taxable income", and you have not reported or paid the taxes due and owing on such "taxable income".

43. The motion, which Deputy U.S. Marshal Witkowich described, in his statement of January 28, 1993, as "frivolous" and the predicate for plaintiff's 1989 arrest, was to abort the "extortion" payments being made by Raffe to your cronies and/or their designees.

44. Such motion had compelling merit and was not "frivolous".

45. Likewise, you and your federal attorneys, induced McMahon to submit a false and perjurious statement, dated January 28, 1993.

46. From the time that the White Plains Branch of the U.S. District Courthouse opened until July of 1989, the only case that plaintiff submitted to and which was litigated in White Plains was Vilella v. Santagata (87 Civ. 1450 [GLG]), nevertheless you and your federal attorneys had McMahon sign a perjurious statement dated January 28, 1993 which states. inter alia, "as a result of the large number of lawsuits commenced by Sassower".

47. You are aware that Vilella v. Santagata (supra) was active in White Plains only during the months of March through June of 1988.

48. You and your federal attorneys caused McMahon to sign a statement, which stated:

> "an injunction in 1985 precluding Sassower from filing lawsuits in the district court ... because this Office may not accept Sassower's papers for filing, each time he submits papers to the Clerk's Office, a clerk must read Sassower's papers to determine whether accepting his papers for filing is a violation of this Court's orders"

when you knew the aforementioned statement patently false, since neither McMahon or anyone in his office had ever read the 1985 injunction.

49. You and your federal attorneys knew that neither McMahon, nor anyone in his office ever checked or screened plaintiff's papers, even when Vilella v. Santagata (supra) was in active litigation in White Plains, except to determine whether a Certificate of Service was appended, a procedure no different than practiced by that office with for anyone else, including attorneys, and that the McMahon contrary statement was false and perjurious.

50. You and your federal attorneys knew and know the McMahon statement about forwarding plaintiff's papers to the pro se clerk for checking and/or screening was false and perjurious since neither McMahon nor his office ever forwarded any of plaintiff's papers to the pro se office prior to July of 1989.

51. You and your federal attorney knew and know that the McMahon statement concerning plaintiff's "voluminous papers [submitted] to the Clerk's Office in White Plains for filing" was and is false, fabricated, concocted and contrived, since the records will reveal that except for the few months that Vilella v. Santagata (supra) was pending, the filings by plaintiff in the White Plains Office, averaged no more than 2 or 3 documents per year, which includes notices of appeal, which can be filed in any office of the District Court for the Southern District of New York, by anyone, even for causes pending in Foley Square.

Dated: February 8, 1993

Yours, etc.

GEORGE SASSOWER [GS-0512]
Plaintiff, pro se
16 Lake Street,
White Plains, NY 10603
(914) 949-2169

CERTIFICATION OF SERVICE

On February 8, 1993 I served a true copy of this proposed Order by mailing a copy of same in a sealed envelope, first class, with proper postage thereon, addressed to Assistant U.S. Attorney Robert W. Sadowski, 100 Church Street, New York, NY 10007; Assistant Attorney General Angela M. Cartmill, 120 Broadway, New York, NY 10271; and Duncan, Fish & Bergson, Esqs., 21 Technology Drive, East Setauket, N.Y. 11733; and Charles L. Brieant, Deputy U.S. Marshal Deputy U.S. Marshal Michael Witkowich and Deputy Clerk J. Michael McMahon, 101 East Post Road, White Plains, N.Y. 10601, that being their last known addresses.

Dated: February 8, 1993

GEORGE SASSOWER