

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: SECOND DEPARTMENT

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In re:

**APRILANNE AGOSTINO**  
**GARY L. CASELLA**

To Compel Their Discharge For Official Misconduct.  
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IT APPEARS that a Professional Disciplinary Complaint, dated May 23, 2012, was filed with the Grievance Committee for the Ninth Judicial District, the body, reading as follows:

“*Donald M. Diamond*, a resident of Westchester County was designated by NY Supreme Court Administrative Judge *Xavier C. Riccobono* of New York to consummate the “*bribe*” payments by *Citibank, N.A.* from, *inter alia*, the judicial trust assets of *Puccini Clothes, Ltd.*, to various judges, which he did through the law firm of *Feltman, Karesh, Major & Farbman, Esq.*.

2. Since this would be revealed by any of the mandatory accountings for *Puccini Clothes, Ltd.* (22 NYCRR§202.52[e]) or *NY Judiciary Law §35-a* Statements and “*restitution*” compelled, there are *none* of these mandatory documents.”; and it further

APPEARS, that “the accused” in the Professional Misconduct Complaint of May 23, 2012, were “*Donald M. Diamond*”, “*Xavier C. Riccobono*” & “*A. Gail Prudenti*” and copies of such filing was simultaneously served upon all named in such filing; and it further

APPEARS that at no time, did “the accused” therein, or anyone else, ever deny or controvert the assertions made in such disciplinary complaint; and it further

APPEARS that *Gary L. Casella, Esq.*, who is one of “the accused” herein, and who is Chief Counsel for the Grievance Committee for the Ninth Judicial District, actually knew of the truth of assertions in the disciplinary complaint of May 23, 2012, but to abort such proceeding, without notice to the complainant, *improperly* forwarded same to *Aprilanne Agostino*, the Clerk of the Appellate Division, Second Department, “for review” ; and it further

APPEARS that the “duties” of *Aprilanne Agostino* are ministerial, and she does not have any “*power*” of “*review*” of a disciplinary proceeding; particularly where former Presiding Justice *A. Gail Prudenti* is one of “the accused”; and it further

APPEARS that to preserve an egregious criminal enterprise which includes “*bribery*”, “*extortion*” and “*diversion*” of judicial trust assets, *Aprilanne Agostino*, aborted such disciplinary proceeding; it is

ORDERED that unless, by June 29, 2012, *Aprilanne Agostino* and *Gary L. Casella*, at-will employees of the New York Appellate Division, Second Judicial Department, articulate written public justification for their misconduct, they be discharged “forthwith”.

Dated: Brooklyn, New York  
June 2012

E N T E R

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Acting Presiding Justice

Certificate of Service

*George Sassower*, Esq., affirms under penalty of perjury, that on June 18, 2012, he caused to be mailed in properly addressed stamped envelopes, in a depository under the exclusive control of the United States Postal Service, the foregoing Proposed Order to: *Aprilanne Agostino*, Esq., Appellate Division, Second Department, 45 Monroe Street, Brooklyn, New York 11201; *Gary L. Casella*, Esq., Grievance Committee, 399 Knollwood Road, White Plains, New York, 10603-1937; *Diana Maxwell Kearse*, Esq., Grievance Committee, 335 Adams Street, Brooklyn, New York, 11201-3745; Acting Presiding Justice *William P. Mastro*, Appellate Division, Second Department, 45 Monroe Street, Brooklyn, New York 11201; *Robert P. Guido*, Esq., 30 East Hoffman Avenue, Lindenhurst, New York 11757-5001; *Donald Diamond*, Esq., 4 Millbrook Place, Bedford, NY 10506-1701; *Feltman, Karesh, Major & Karesh*, Esqs., c/o Martin S. Major, Esq., Mallah Organization Inc., 211 E 38<sup>th</sup> Street, New York, NY 10016-2704, and *A. Gail Prudenti*, Esq., c/o Office of Court Administration, 25 Beaver Street, New York, NY 10004.

Dated: White Plains, NY  
June 18, 2012

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GEORGE SASSOWER