

**GEORGE SASSOWER**

*Attorney-at-Law*  
10 Stewart Place  
White Plains, NY 10603-3856  
(914) 681-7196

Grievance Committee  
Second & Eleventh Judicial Districts  
335 Adams Street  
Brooklyn, New York 11201

April 23, 2012

Re: Milton Mollen #1015726

Sirs:

1. This is the first of two, interrelated but separate, disciplinary complaints against Milton Mollen for misconduct while he was Presiding Justice of the New York State Appellate Division, Second Judicial Department, as well as for his misconduct afterward, as a private attorney.

This Part targets, as the victim, *Doris L. Sassower*, Esq. and describes events no later than June of 1978.

2. Absent articulated justification, the failure to sanction *Milton Mollen*, Esq. based on his misconduct, has collateral consequences, of importance to *every* lawyer, and *every* client of *every* lawyer (see, e.g., *Middlesex County Bar v. Garden State Bar*, 457 U.S. 423 [1982]; *Association of the Bar of the City of New York v. Isserman*, 271 F.2d 784 [2<sup>nd</sup> Cir.-1959]; *Vilella v. Santagata*, 87 Civ 1450 [SDNY-GLG]).

3. For reasons stated herein, the undersigned contends the “confidentiality” provisions of *NY Judiciary Law* §90 are not available, to either *Milton Mollen* or this tribunal in this matter.

**“The Immutable & Unassailable Facts”**

1. All the disposable monies & assets in the *Estate of Eugene Paul Kelly, deceased* [“*Kelly Estate*”] (Surrogate’s. Court, Suffolk County-Docket #1972P736) were *unlawfully* dissipated to satisfy the *personal* obligations of New York, Suffolk County, Surrogate *Ernest L. Signorelli*, and the *personal* desires of Public Administrator *Anthony Mastroianni*, leaving ***nothing*** for *any* beneficiary, including the prime beneficiaries, the three (3) motherless infants, the children of the predeceased daughter of the testator.

After *Signorelli-Mastroianni* dissipated all the disposable assets in the *Kelly Estate*, leaving *nothing* for *any* beneficiary, the *U.S. Internal Revenue Service* imposed a substantial assessment against *Anthony Mastroianni* “*personally*”, for his *personal* failure to make timely payment of the taxes due from the *Kelly Estate*, when the monies in the *Kelly Estate* were available.

*Anthony Mastroianni* to satisfy such *personal* obligation to the *U.S. Internal Revenue Service* and other *personal* obligations, *ex parte & sua sponte*, seized the assets in the *Gene Kelly Moving & Storage, Trusts*, [“*Kelly Trusts*”] where the prime beneficiaries were the same three (3) motherless infants.

Thus, the three (3) motherless infants, where the New York State Attorney General [“*NYSAG*”], on behalf of the State of New York, is the *parens patriae* of these motherless infants, received ***nothing*** from either the *Kelly Estate* or the *Kelly Trusts*!

Today, thirty-five (35) years after *Anthony Mastroianni* was appointed “*The Temporary Administrator*” of the *Estate of Eugene Paul Kelly, deceased*: (1) there are none of mandatory settled accountings; (2) there is no valid judgement or final order terminating this judicial trust proceeding; (3) no valid order discharging *Anthony Mastroianni* or his surety, *Fidelity & Deposit Company of Maryland* [“*F&D*”] and (4) none of the mandatory *NY Judiciary Law* §35-a Statements.

2. All the judicial trust assets of *Puccini Clothes, Ltd.* – “*The Judicial Fortune Cookie*”, an involuntarily dissolved N.Y. corporation, were dissipated by *Citibank, N.A.* and its “estate-chasing attorneys”, *Kreindler & Relkin, P.C.* as “*bribes*”, mostly to judges, leaving ***nothing*** for its nationwide legitimate creditors.

Today, thirty-two (32) years after *Puccini Clothes, Ltd.* was involuntarily dissolved: (1) there are none of mandatory accountings by the court-appointed receiver; (2) there are none of the mandatory applications by the NYSAG, the statutory fiduciary, to compel the court-appointed receiver to “account & distribute” [NY Bus. Corp. Law §1216] (3) there is no valid judgement or final order terminating this judicial trust proceeding; (4) there is no order discharging *Lee Feltman*, the court-appointed receiver, or his surety, *Fidelity & Deposit Company of Maryland* [“F&D”] and (5) there are none of the mandatory NY Judiciary Law §35-a Statements.

3. Because all of the monies & assets in the *Kelly Estate* were dissipated to satisfy the personal obligations & desires of *Signorelli-Mastroianni* and all of assets in *Puccini Clothes, Ltd.* were dissipated, after *laundering*, as “*bribes*”, mostly to judges, there are none of the mandatory NY Judiciary Law 35-a Statements, as confirmed by Exhibit “A”, which is a January 30, 2012 Statement from the NY State Office of Court Administration, under the stewardship of Chief Administrative Judge *A. Gail Prudenti!*

4. Since the *Kelly Estate & Puccini Clothes, Ltd.* are *only* extreme examples of the usual, customary & ordinary, when an estate has significant assets & the jurist has the unbridled power to make compensatory appointments, monumental sums of Federal, State & Local government funds have been *unconstitutionally & unlawfully* expended by judges & officials to conceal their activities in the *Kelly & Puccini* judicial estates.

#### Charge “I”

1. Prior to February 24, 1978, there was not a single allegation or even a suggestion that *Doris L. Sassower*, Esq., had committed a single act of misconduct, ethically or otherwise, with respect to the *Kelly Estate*.

2. On February 24, 1978, *Doris L. Sassower*, Esq., an attorney, was neither a party, nor the attorney for any party having an interest in the *Kelly Estate*.

3. On February 24, 1978, without any decision pending to be made in Surrogate’s Court, Suffolk County with respect to the *Kelly Estate*, Surrogate *Ernest L. Signorelli*, without notice, *sua sponte*, issued a “*diatribe*” against *George Sassower*, Esq., the then husband of *Doris L. Sassower*, Esq., which concluded as follows (Exhibit “B”):

Mr. Sassower, a member of the bar, has impeded the orderly administration of this [Kelly] estate, and has caused it to incur needless expense. He has willfully and intentionally failed to heed any and all directives of this court, and I would be derelict in my duty if I failed to report his actions to the appropriate tribunal for disciplinary action. Doris Sassower, his wife and former counsel, should similarly be called upon to explain her extraordinary behavior in this matter.

I am accordingly directing the Chief Clerk to forward a copy of this decision to the Presiding Justice of the Appellate Division, Second Judicial Department [“*Milton Mollen*”], for such disciplinary action as he may deem appropriate with regard to the conduct of *George Sassower* and *Doris Sassower*.

This decision constitutes the order of the court.”

4. Unknown, at the time, to either *George Sassower*, Esq. or *Doris L. Sassower*, Esq. was that on March 3, 1978, Presiding Appellate Division Justice *Milton Mollen* responded to Surrogate *Ernest L. Signorelli*, by letter, a copy of which was mailed to the *Grievance Committee, Ninth Judicial District* and received by it on March 6, 1978, reading as follows (Exhibit “C”):

“Dear Surrogate Signorelli:

I am in receipt of a copy of your decision in the above stated matter, dated February 24, 1978, which decision alleges professional misconduct on the part of *George Sassower* and *Doris L. Sassower*, attorneys-at-law.

My office has contacted the Joint Bar Association Grievance Committee for the Ninth Judicial District and determined that the Committee is aware of the situation you described. Please be assured that appropriate action will be taken.

Thank you for bringing this matter to my attention.

Very truly yours,  
MILTON MOLLEN  
Presiding Justice

(Stamp) GRIEVANCE COMMITTEE, NINTH JUDICIAL DISTRICT, MAR 6, 1978”

5. Almost immediately, without disclosing the receipt of a copy of the March 3, 1978 letter by Presiding Appellate Division Justice *Milton Mollen*, the *Grievance Committee for the Ninth Judicial District* served a professional misconduct letter complaint on *Doris L. Sassower, Esq.*

The six (6) page response of *Doris L. Sassower, Esq.* of March 28, 1978 is annexed (Exhibit “D”) which, in exacting detail describes, *inter alia*, the two (2) incidents which Surrogate *Ernest L. Signorelli* asserted she was alleged to have engaged in misconduct.

6. The published “diatribe” of Surrogate *Ernest L. Signorelli* to the contrary notwithstanding, the conduct of *Doris L. Sassower, Esq.*, as described by him was not “*extraordinary behavior*” but “perfectly proper”, particularly as amplified and explained by her.

The statement of Presiding Justice *Milton Mollen*, to the contrary notwithstanding, the conduct alleged to have been committed by *Doris L. Sassower, Esq.* did not constitute “*professional misconduct*”!

7A. The Grievance Committee for the Ninth Judicial District is here challenged to produce its findings, after its investigation, regarding the “*extraordinary behavior*” of *Doris L. Sassower, Esq.*

B. Chief Counsel *Gary L. Casella* will not, because he cannot show that her “*behavior*” was “*extraordinary*” as asserted by *Ernest L. Signorelli*!

C. The Grievance Committee for the Ninth Judicial District is here challenged to produce a copy of its petition to the Appellate Division, Second Department, which granted it permission to prosecute *Doris L. Sassower, Esq.* based on the complaint of Surrogate *Ernest L. Signorelli*.

Of necessity, it had to proliferate with fraud, deceit & misrepresentations!

8. Four (4) days later, on April 1, 1978, *Geo. Sassower, Esq.*, executed a detailed fourteen (14) page response to the published “*diatribe*” of *Ernest L. Signorelli, Esq.*

There was *nothing* these two (2) detailed responses by *Doris L. Sassower, Esq. & Geo. Sassower, Esq.* which were denied or controverted, in any respect, by *Ernest L. Signorelli* or anyone else.

9. Nevertheless, Chief Counsel *Donald E. Humphrey* & thereafter Chief Counsel *Gary L. Casella* pursued *Doris L. Sassower, Esq. & Geo. Sassower, Esq.*, not because of the merits of the complaints or lack thereof, but because of the “*assurance*” by Presiding Appellate Division Justice *Milton Mollen* to Surrogate *Ernest L. Signorelli* that “appropriate action will be taken.”

Thus, in the most expensive disciplinary prosecution by the Ninth Judicial District, the result was a thirty-four (34) counts to zero (0) resounding vindication wherein, with minor & insignificant exceptions, the Grievance Committee did not disagree.

10. The Appellate Division, First Department confirmed the Reports of [former] NY Supreme Court Justice *Aloyisus J. Melia*, which matters had been transferred to it from the Second Department because Presiding Justice *Milton Mollen* was inextricably involved in the *Kelly* racketeering adventures by *Signorelli-Mastroianni* and their entourage.

#### Charge “II”

1. On June 23, 1977, the same day that *Geo. Sassower, Esq.* was incarcerated by Surrogate *Ernest L. Signorelli* for Criminal Contempt committed within the “immediate presence of the Court” when, in fact, he was 100 miles away, he was released on \$300 bail, based on his Writ of Habeas Corpus, signed by a Justice of the Supreme Court, Suffolk County.

2. Six (6) days later, on June 29, 1977, *Vincent G. Berger*, Esq., purporting to be the attorney for the Public Administrator, made several written complaints against *Geo. Sassower*, Esq. to: (1) the District Attorney of Suffolk County, (2) the District Attorney of Westchester County & (3) the Westchester Bar Association, but none of them acted on these manifestly suspect complaints.

3. In the Habeas Corpus proceeding that followed, although *no one* asserted that the Contempt Order & Warrant of June 22, 1977, were valid, Surrogate *Ernest L. Signorelli*, insisted that he & *Anthony Mastroianni* be defended by the NY State Attorney General & Suffolk County Attorney, *unlawful* State & County cost & expene.

4. N.Y. Supreme Court Justice *George F.X. McInerney* sustained the Writ of Habeas Corpus in a proceeding wherein no one claimed the Order & Warrant of June 22, 1977 were valid!

Although, *Ernest L. Signorelli* *never* claimed the Order & Warrant of June 22, 1977 were valid, he insisted that the Assistant NYSAG, who was representing him at NY State cost & expense, file a Notice of Appeal!

5. From contemporaneous events the compelled conclusion was that Surrogate *Ernest L. Signorelli*, *Vincent G. Berger*, Esq. & the Chief Clerk of Surrogate's Court, *Robert J. Cinimo*, knew beforehand that if disciplinary complaint were made to Presiding Appellate Division Justice *Milton Mollen*, based on the same allegations as previously made by *Vincent Berger*, Esq., he would transmit it to the Grievance Committee for the Ninth Judicial District, and accepted by it as Disciplinary Complaints from him and pursued with vengeance, as it was.

6. The "decision" of February 24, 1978, as it was described by Surrogate *Ernest L. Signorelli*, published in "hard print" by the *New York Law Journal* & Presiding Justice *Milton Mellon* was, as analyzed by *Doris L. Sassower*, Esq. in her response of March 28, 1978, *not* a "decision"! As she asserted (Exhibit "D"):

"It is a misnomer to refer to the complaint as a "Decision" or as an "Order", which implies some determination after hearing all sides. This was a "personal rampage" by the complainant under "color of authority" and in palpable abuse of his office, to denigrate me and others without affording the minimal requirements of due process or common decency.

I am not a party or an attorney for any party in this matter at present and have not been for some period of time. Nevertheless because my husband had pending a motion in the United States Court to prohibit the complainant from acting as Surrogate, and for invasion of his civil rights, the complainant, after refusing to recuse himself, went on this sua sponte diatribe.

There was no motion before the Court. There was no motion any longer before the Surrogate requesting that he recuse himself. There was no notice to me of an intention to charge me with any dereliction that might have forewarned me to submit papers in explanation and opposition so that a decision could be made on papers before the court. There was nothing resembling "due process" or fairness" or "decency" in form or substance.

Unfortunately since nothing was determined (except that he recused himself), and particularly since I am not a party or an attorney for any party in this action, I have nothing to appeal and am not legally aggrieved by any aspect of the Order."

7. As correctly asserted by *Doris L. Sassower*, Esq. had previously *refused* to recuse himself.

Consequently, *Geo. Sassower*, Esq. went to Federal Court, and after hearing the Assistant Attorney General on behalf of *Ernest L. Signorelli*, U.S. District Court Judge *Jacob Mishler*, signed an Order to Show Cause, returnable March 3, 1978 why an Order should not be entered (*Geo. Sassower v. Signorelli*, 78 Civ. 124 [EDNY-JM]) (Exhibit "E"):

- a. restraining defendants, ANTHONY MASTROIANNI and VINCENT G. BERGER, JR. from harassing plaintiff and those with whom plaintiff has business, professional, and social engagements pending the termination of this action.
- b. restraining defendants, ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI, and VINCENT G. BERGER, JR. from prosecuting plaintiff for criminal contempt pending the determination of the appeal of ERNEST L. SIGNORELLI from the Judgment and Order which sustained plaintiff's Writ of Habeas Corpus.
- c. restraining ERNEST L. SIGNORELLI from hearing or adjudicating any matter wherein your deponent is a party or an attorney.
- d. compelling ERNEST L. SIGNORELLI and VIRGINIA D. MATHIAS to place in the custody of this Court the original stenographic minutes of the Surrogate's Court: Suffolk County with respect to the Estate of EUGENE PAUL KELLY, deceased, of January 25, 26, and 27, 1978, after same has been transcribed.
- e. compelling the defendant, JOHN P. FINNERTY, to properly and timely serve the legal documents of the plaintiff....”

8. The allegations in the moving affidavit were not denied or controverted in any respect, included the assertion that:

“if the Judgment/Order of Mr. Justice GEORGE F.X. McINERNEY is reversed then the present Contempt proceedings against plaintiff cannot be sustained since it would constitute “Double Jeopardy” and thereby violative of the Constitution of the United States.

Consequently so long as the possibility exists that a reversal may occur, these defendants, ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI, and VINCENT G. BERGER, JR., should be restrained from proceeding on the Contempt renewal against your deponent.”

9. With opposing papers due by February 20, 1978, and none received, because neither *Ernest L. Signorelli* nor his attorney could not articulate an opposition, four (4) days later, on February 24, 1978, *Ernest L. Signorelli sua sponte* issued his five (5) page “*diatribe*” wherein he “*recused*” himself – nothing more!

Except for Surrogate *Ernest L. Signorelli* & Presiding Justice *Milton Mollen*, no jurist has described the “*rampage*” of February 24, 1978 as a “*decision*” or “*order*”, since it “*decided*” & “*ordered*” *nothing!*

#### Charge “III”

1. The “*diatribe*” of Surrogate *Ernest L. Signorelli* (Exhibit “B”) states:

“The petitioner failed to appear in court the following day, and a telephone communication was received by the court from the petitioner’s wife, an attorney and his former counsel in this estate. She stated that Sassower could not appear because he was in the Appellate Division on another matter, but refused to identify the case or the particular department of the Appellate Division. A member of the court’s staff called the First and Second Departments of the Appellate Division, and it was finally determined that Mr. Sassower was arguing a case in the Second Department that morning and that the counsel of record in that case was petitioner’s wife.”

2. The response of *Doris L. Sassower*, Esq. to this charge was (Exhibit “D”):

“The other reference to me is that I allegedly “refused to identify the case or the particular Department of the Appellate Division in which Mr. Sassower was arguing a case”. That is completely untrue. Here again the complainant has set forth matter wholly devoid of “due process”, in substance or spirit. Apart from the question of whether such refusal, even if it occurred as alleged, rises to the level of misconduct worthy of disciplinary action, it should be noted that I did not speak to the Surrogate nor

he to me. Therefore, such allegations by him should plainly have been qualified with “on information and belief”, “I understand” or words to similar effect in the absence of which personal knowledge would be inferred.

I did not refuse to give such details. I stated to Vincent G. Berger, Jr., Esq., attorney for the Public Administrator, in a conversation had by telephone while the Judge, he informed me, was on the bench, that such details were unknown to me.

At the time of such telephone call my entire basement was flooded, and I was preoccupied with saving as many of my personal belongings as possible. Nevertheless, almost immediately after hanging up, I looked at the Law Journal and recognized a case wherein I was attorney of record but which was being handled exclusively by Mr. Sassower. While I knew it was in the Appellate Division, I had no idea at the time of this unexpected call and unexpected inquiry from Mr. Berger that it was in that case that Mr. Sassower was engaged.

In any event immediately after ascertaining such fact, I called Mr. Berger and gave him that information. This was completely in accord with my conduct of complete cooperation with the complainant and his Court.”

3. Chief Counsel *Gary L. Casella* is called upon to reveal what the records of the Ninth Judicial District Grievance Committee show were the replies of *Ernest L. Signorelli & Vincent G. Berger*, Esq. concerning this incident, the result of its investigation and what it stated about this matter in its petition for permission to prosecute *Doris L. Sassower*, Esq.!

#### Charge “IV”

1. The “diatribe” of Surrogate *Ernest L. Signorelli* (Exhibit “B”) also states:  
“Incidentally, Doris L. Sassower, the wife of the petitioner herein, had at the inception of this estate filed a notice of appearance, appearing as the attorney for the executor. She was expressly directed by the court to be present for the scheduled court conferences, but has defaulted in appearance for any of the said dates.”

2. The response of *Doris L. Sassower*, Esq. to this charge was (Exhibit “D”):  
“The dates of such conferences wherein I was supposedly directed to appear “as attorney for the executor” are set forth in a preceding paragraph as  
“September 21st, 1976. ... (and) was adjourned on five separate occasions to March 2nd, 1977”

a. The complainant does not explain the necessity for my appearance as attorney for the executor when the very same complaint states that the executor was removed prior to every one of the aforementioned dates.

b. If my conduct was. “extraordinary” (as described by the complainant), no explanation is set forth for his waiting one year before making this complaint.

c. Significantly, this undocumented complaint fails to allege that the matter was attended by someone else in my stead, the necessity for my personal appearance, that I was otherwise engaged in higher courts, that I was ill, that my absence caused no prejudice, that there were no adjournments because of my failure to appear, or that such directions to appear are generally on a preprinted form notice, honored in its breach (by everyone) rather than its observance (by anyone).

In order that this complaint may be responded to with accuracy and precision. I respectfully request the complainant through your committee to set forth:

a. The five (5) dates between September 21, 1976 that he has reference to.

b. A copy of the notices for each such dates.

c. The purpose of such conferences.

- d. The purpose of my desired attendance.
- e. Who actually attended on such dates, or if same were adjourned, who requested the adjournment and the reason set forth.
- f. The sum and substance of what transpired at such conference.
- g. In what way my non-appearance prejudiced the Court, or the parties.
- h. Whether anyone appeared in my stead and served the purpose intended by my appearance.
- i. Why the complainant waited between one year and one and one-half years after my ‘extraordinary conduct’ to make such complaint, in other words what, if anything, has been done by me recently so that he has resurrected these old transactions and placed them in a form of a “published complaint.”

With such information, I will be better able to respond to the complaint herein.”

3. There was no response to the questions posed by *Doris L. Sassower*, Esq. Instead, by reason of the “assurance” given by Presiding Justice *Milton Mollen*, the Grievance Committee for the Ninth Judicial District, after receiving permission from the Appellate Division, Second Department, with vengeance, prosecuted.

#### Charge “V”

1. Less than two (2) weeks after the issuance of the “diatribe” where Surrogate *Ernest L. Signorelli*, confronted by a pending motion in Federal Court, “recused” himself from the *Kelly Estate* litigation that, on March 8, 1978, Acting Surrogate *Harry E. Seidell*, signed an Order adjudging *Geo. Sassower*, Esq., to be in Criminal Contempt for his failure to appear in Surrogate’s Court, Suffolk County, because he was on trial in Supreme Court, Bronx County.

2. This March 8, 1978, Criminal Contempt Order had the same lethal infirmity as did the Order of June 22, 1977 which everyone, including *Ernest L. Signorelli* did not deny was invalid.

Acting Surrogate *Harry E. Seidell* was a specific recipient of the “diatribe” (Exhibit “B”, p. 6).

3. In addition, because of pending appeal by *Ernest L. Signorelli* the Order of March 8, 1978 was void, because it also violated the “double jeopardy clauses of the *Constitution of the United States & State of New York*, which no one also never denied!

4. For four (4) months the Sheriff harassed *Geo. Sassower*, Esq. & his family by repeated forays from Suffolk County to Westchester County & New York City, looking for “*Geo. Sassower*, Fugitive from Justice” when he was willing to voluntarily surrender at Supreme Court, Westchester, Bronx or New York Counties.

5. On June 10, 1978, with a motion pending to enjoin the Sheriff of Suffolk County and his subordinates from exercising their official powers in Westchester County, two (2) Suffolk County Deputy Sheriffs traveled to Westchester County, shadowed him for several hours and when he was alone, arrested him and brought him to Suffolk County where he was incarcerated.

6. Later that day, *Doris L. Sassower*, Esq. of the earlier events secured a Writ of Habeas Corpus from NY Supreme Court Justice *Anthony J. Ferraro* of Westchester County, which released *Geo. Sassower*, Esq. “on his own recognizance” and had the Writ returnable at Westchester County.

7. *Doris L. Sassower*, Esq. traveled to Riverhead with our middle daughter to serve the Writ and when they did, they were themselves incarcerated.

8. While all three (3) Sassowers were incarcerated, the *Acting Warden* communicated with the *Sheriff*, who communicate with *Ernest L. Signorelli*, who communicated with *Anthony Prudenti* or someone on his behalf, who communicated with *Meade H. Esposito*, who communicated with *Milton Mellon*, who communicated with Mr. Justice *Anthony J. Ferraro*.

The purpose was to eliminate the “release” of *Geo. Sassower*, Esq., pending a “hearing” to change the “return” of the Writ from Westchester County to Suffolk County.

9. The request for these changes by Presiding Justice *Milton Mollen* to NY Supreme Court Justice *Anthony J. Ferraro* was rejected by Mr. Justice *Anthony J. Ferraro*, at which point, the *Sassower’s* were all released!

10. The initial evidence of the chain of events, including the attempt by Presiding Justice *Milton Mollen* to “*fix*” Mr. Justice *Anthony J. Ferraro* came from the open complaints of *Ernest L. Signorelli* that Presiding Justice *Milton Mollen* should have modified the Writ of Habeas Corpus himself, rather than attempt to “*fix*” Mr. Justice *Anthony J. Ferraro*.

Within days, about *every* jurist in the Second Department *knew* of this attempted “*fix*” by the Presiding Justice and acted accordingly.

\* \* \*

The Presiding Justice having tolerated the publication of the disciplinary complaint against *Doris L. Sassower*, Esq. is estopped, legally & ethically, to the publication of this material.

\* \* \*

The aforementioned is stated to be true under penalty of perjury.

Dated: White Plains, New York  
April 23, 2012

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GEORGE SASSOWER