

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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GEORGE SASSOWER,

Plaintiff,

Docket No.

-against-

WEST PUBLICATION CO.; KREINDLER &
RELKIN, P.C.; CITIBANK, N.A.; FELTMAN,
KARESH, MAJOR & FARBMAN; STAFFORD FREY
COOPER & STEWART; BARBARA L. HERWIG;
and GAIL KILLEFER,

Jury Trial Demanded

Defendants.
-----X

Plaintiff, as and for his complaint, respectfully
sets forth and alleges:

AS AND FOR A FIRST CAUSE OF ACTION

1. Plaintiff brings this action directly under the
Constitution and laws of the United States, with jurisdiction in
the U.S. District Court existing by virtue of 28 U.S.C. §1331,
§1343, §1346 and §1361.

2. Plaintiff, a private person, is a born American
citizen, battle-starred veteran of World War II and, except for
military service, has continually resided in the United States.

3a. The records of defendant WEST PUBLICATION CO.
["West"] have been intentionally and deliberately inundated with
inflammatory defamatory material and/or injurious falsehoods, of
a constitutional magnitude, concerning plaintiff, those
associated with him, real or perceived, intended for re-
publication and distribution by West in order to aid, abet and
facilitate criminal racketeering adventures, with judicial
involvement in same.

b. Obscured and/or concealed in such West re-
published and distributed material is that the issuing body

lacked subject matter and/or personal jurisdiction and/or was not the result of due process procedures.

c. Notwithstanding such jurisdictional and/or constitutional infirmities, rendering them legally void, the defendant West who, as a general course of conduct, distributes this and other material in the Northern District of California, hard copy and electronic, continues to re-publish and distribute such material, causing plaintiff continuing constitutional in this district.

4a. Plaintiff, admitted to the bar in 1949 has resisted participation and exposed judicial corruption, as was his societal (18 U.S.C. §4) and professional (Code of Professional Responsibility, DR 1-103) obligation.

b. Intended by the aforementioned defamations and/or injurious falsehoods, which are continually republished by West, is to destroy plaintiff's credibility and due process rights in all judicial and non-judicial forums, including in those federal forums and those procedures where statutory mandate has made "credibility" of operative significance (e.g., 28 U.S.C. §591[d]; 28 U.S.C. §1915).

5a. West is a private corporation, whose business practices can be judicially noticed, has a symbiotic relationship with government, and its re-publications can be fairly attributable to and considered state action.

b. The contents of the material possessed by West, intended for republication, is unilaterally composed by the judiciary, its contents beyond the control of plaintiff, even

when the material is unlawfully intrusive, intentionally false, malicious, irrelevant and/or jurisdictionally infirm.

6a. Defendant, GAIL KILLEFER ["Killefer"], is an Assistant U.S. Attorney in the Office of the U.S. Attorney for the Northern District of California, but her prime, albeit unlawful and unauthorized, participation has been to defend the private racketeering interests of officials.

b. Killefer, is here sued in her personal capacity.

7a. Defendant, BARBARA L. HERWIG ["Herwig"], is an Assistant U.S. Attorney General, District of Columbia based, but her prime, albeit unlawful and unauthorized, participation has been to defend the private interests of these same officials.

b. Herwig, is here sued in her personal capacity.

8. STAFFORD FREY COOPER & STEWART, Esq. ["SFC&S"] is a private law firm, purportedly representing a private client, but who is overtly betraying their client to serve the same private interests being represented by Killefer and Herwig.

9. Defendants KREINDLER & RELKIN, P.C. ["K&R"]; CITIBANK, N.A. ["Citibank"]; and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] are private parties who are active co-conspirators of the same perfidious officials represented by Killefer and Herwig.

10. This complaint limits itself to a portion of a sub-enterprise of a criminal racket, operating in this judicial district, and involving the defendants herein.

11a. To advance and conceal this criminal racketeering adventure, the prime published material is and has been published

by West under the title Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]) and Sassower v. Sheriff (824 F.2d 184 [2nd Cir.-1987])--- both of decisions are clearly void -- coram non iudice -- and other similarly invalid decisions, hereinafter enumerated, entitled to no legal respect in any American court.

b. A void judgment, as the concept has evolved itself by the American courts, is to deny "recognition to, judgments that violated common-law principles, ... notions of due process, fair play and substantial justice" (Burnham v. Superior Court of California, 495 U.S. , 110 S.Ct. 2105, 2111-2112 [1990]).

12a. A declaration of such invalidity can be obtained from a court under, inter alia, FRCivP, Rule 60(b)[4] and/or a Rule 60(b) independent proceeding, which would be published by West.

b. The right to file such invalidation proceeding is a right guaranteed to every person, particularly where the proceedings are criminal in nature.

c. However the perfidious officials, represented by Killefer and Herwig, acting in conspiracy with K&R-FKM&F entourage, have denied to plaintiff his right to access to the courts for such relief.

13. The law is clear --- (a) although the perfidious officials represented by Killefer and Herwig may have immunity for the materials re-published by West, such immunity does not necessarily inure to the benefit of the republisher, such as West (Doe v McMillan, 412 U.S. 306 [1973]); (b) where the right is protected by the U.S. Constitution, no local or state act can

grant immunity to the transgressor (Butz v. Economou, 438 U.S. 478, 495 [1978]); and (c) legal immunity applies only for money damage relief, not for equitable relief or criminal prosecution (Dennis v. Sparks, 449 U.S. 24 [1980]).

14a. K&R, Citibank, and FKM&F were involved in the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], which was involuntarily dissolved on June 4, 1980.

b(1) In view of the aforementioned, the court-appointed receiver, an arm of the court, could not render his accounting, a mandatory requirement in every American jurisdiction and a requirement which could not be waived, enjoined and/or excused by any court or judge.

(2) In New York, where such involuntary dissolution took place, such accounting must be filed "at least once a year" (22 NYCRR §202.52[e]), and where, as a mandatory "duty" the N.Y. State Attorney General must make application to the court to compel an accounting if not rendered within 18 months (N.Y. State Bus. Corp. Law §1216[a]).

(3) The right to demand an accounting, as a matter of constitutional and statutory law (N.Y. State Bus. Corp. Law §1216[a]), is granted to all those who, like plaintiff, has constitutionally protected interests in such judicial trust.

c. Unable to account without exposing the larceny that had taken place and making restitution, K&R, FKM&F --- "the criminals with law degrees" -- and their co-conspirators, corrupted, inter alia, N.Y. State Supreme Court Judge IRA GAMMERMANN ["Gammerman"] to issue, a transparently invalid

injunctive order, preventing the making of any such application for an accounting in the state courts.

d. The "criminals with law degrees" then corrupted U.S. District Court Judge WILLIAM C. CONNER ["Conner"] of the Southern District of New York to issue a similar order for the federal courts (Raffe v. Doe, supra).

e(1) Aside from the transparent invalidity of such injunctive order, Judge Conner never had personal jurisdiction over the plaintiff and his constitutionally vested interests in Puccini, which were not an issue in that action.

(2) Furthermore, there was no trial, no hearing, no confrontation rights, no pre-trial disclosure, no nothing--everything contained in such published diatribe was fabricated and concocted.

15a. Similarly, the essential elements, contained in the diatribe of the Circuit Court in Sassower v. Sheriff (supra) were fabricated, contrived and concocted.

b. Since "the criminals with law degrees" and their co-conspirators repeatedly failed to convict, as part of their reign of terror", plaintiff, HYMAN RAFFE ["Raffe"] and/or SAM POLUR, Esq. ["Polur"] under due process procedures, they obtained several convictions of them without any trial, without any hearing, without any confrontation rights, and without any live testimony in support thereof, notwithstanding Bloom v. Illinois (391 U.S. 194 [1968]); Klapprott v. U.S. (335 U.S. 601 [1949]); Nye v. U.S. (313 U.S. 33 [1941]).

c(1) Under such manifestly unconstitutional scenario, N.Y. State DONALD DIAMOND ["Diamond"] found plaintiff guilty of 63 counts of non-summary criminal contempt, recommended that he be incarcerated for 63 months, and fined \$15,750.

(2) Under a mirrored trialess Referee Diamond Report, also under a trialess scenario, he recommended that Raffe be convicted of 71 counts of non-summary criminal contempt, incarcerated for 71 months, and fined \$17,750.

d(1) The published Report of U.S. Magistrate NINA GERSHON ["Gershon"], confirmed by U.S. District Judge DAVID N. EDELSTEIN, the Magistrate correctly reported (Sassower v. Sheriff, 651 F. Supp. 128, 131 [SDNY-1986]):

"According to Referee [Donald] Diamond, petitioner's [plaintiff's] 'not guilty' defense raised in his Affidavit in Opposition to the Motion was 'tantamount to a general denial of the allegations contained in the petition ...' ... The Referee found that petitioner's 'not guilty' defense 'does not create a disputed issue requiring a hearing.' ... According to Referee Diamond '[n]o hearing was 'held for a confluence of reasons.' "

(2) The transcript of the proceedings before the Magistrate Gershon, which was before the Circuit Court, reveals the following (Record on Appeal, pp. 119-120):

"THE MAGISTRATE: I am correct that there is nothing in the record that indicates one way or the other as to whether or not Mr. Sassower was invited to appear, did appear, waived the right to appear, didn't show up or anything of the kind. He says on the documentary evidence he finds that the petitioner is guilty. Is that not correct?

MR. SCHNEIDER [FKM&F]: There is nothing in the record ..."

(3) The disposition of the Diamond Report concerning Raffe was concealed from plaintiff and the Court during the

proceedings therein, surfaced while the proceedings were pending in the Circuit Court.

e. The Circuit Court, in reversing (Sassower v. Sheriff, 824 F.2d 184 [2nd Cir.-1987]), fabricated, contrived and concocted a completely contrary statement of facts including:

"Sassower refused to appear at a hearing before the court appointed referee" [p. 185] ... "Sassower was notified by the attorney for the receiver that he was required to appear before the referee for proceedings on the criminal contempt motion and cross-motions." [p. 187]. ... "[Sassower] failed to appear." [p. 187]... "the opportunity for a hearing that was afforded was appropriate under the circumstances" [p. 189]... "Sassower was ... given a reasonable opportunity to be heard" [p. 189] ... "Sassower ... waived that right [to a hearing] by failing to appear" [p. 190] ... "he [Sassower] has repeatedly refused to appear before Referee Diamond" [p. 190] ... "explicitly warned him [Sassower] of the consequences of his failure to appear before the referee" [p. 190]."

f(1) For exposing the disposition of the mirrored report concerning Raffe, and the fraud attempted in approving a 'phantom' accounting by Referee Diamond, the Court fined plaintiff \$250 and imposed other sanctions.

(2) As independently investigated, reported and published JONATHAN FERZIGER ["Ferziger"] of UNITED PRESS, INTERNATIONAL ["UPI"]:

"By signing three extraordinary agreements in 1985, however, Raffe agreed ... In exchange, the court agreed to let him go free. The tab so far has come to more than \$2.5 million, paid to both the Feltman and Kreindler firms. Raffe continues to pay with checks from his A.R. Fuels Co. business."

g. As part of these transactions between "the criminals with law degrees" and Raffe, Raffe agreed to pay the fine monies due until the trialless convictions of Judge Nickerson (Raffe v. Citibank, 84 Civ. 0305 [EDNY-1985]) including

the monies due by plaintiff, to K&R and Citibank, instead of "to the federal court", as directed by the Court Order.

h. The Circuit Court also deliberately concealed the fact, as part of its published diatribe, that the other convictions of plaintiff mentioned therein, were also trials, without confrontational rights or live testimony in support thereof.

16. By reason of the aforementioned, plaintiff demands that West be enjoined from electronically re-publishing and/or distributing Raffe v. Citibank (supra), aff'd without opinion 755 F.2d 914 [2nd Cir.-1985]; Raffe v. Riccobono (113 A.D.2d 1038, 493 N.Y.S.2d 70 [1st Dept.-1985]); Raffe v. Feltman, Karesh & Major (113 A.D.2d 1038, 493 N.Y.S.2d 70 [1st Dept.-1985]) Barr v. Sassower (121 A.D.2d 324, 503 N.Y.S.2d 392 [1st Dept.-1986], app. dis. 68 N.Y.2d 807, 506 N.Y.S.1d 1037 [1986]); Sassower v. Sheriff (824 F.2d 184 [2nd Cir.-1987]); and Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]) without disclosing their constitutional and/or jurisdictional infirmities, and that appropriate remedial action be taken with respect to its "hard copy" publications now in circulation.

AS AND FOR A SECOND CAUSE OF ACTION

17. Plaintiff repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "16" inclusive, with the same force and effect as though more fully set forth herein, and further alleges.

18. All the defendants in this action, all having knowledge of the aforementioned jurisdictional and/or

constitutional infirmities in the above matters, and with their co-conspirators and clients, having prevented plaintiff access to the court for relief, should be enjoined from re-publishing the aforementioned decisions in any court in this Circuit, without disclosing the jurisdictional and/or constitutional infirmities contained therein, and further (affirmatively) enjoined and directed to take corrective action in every court in this Circuit wherein they cited and/or relied on the aforementioned determinations.

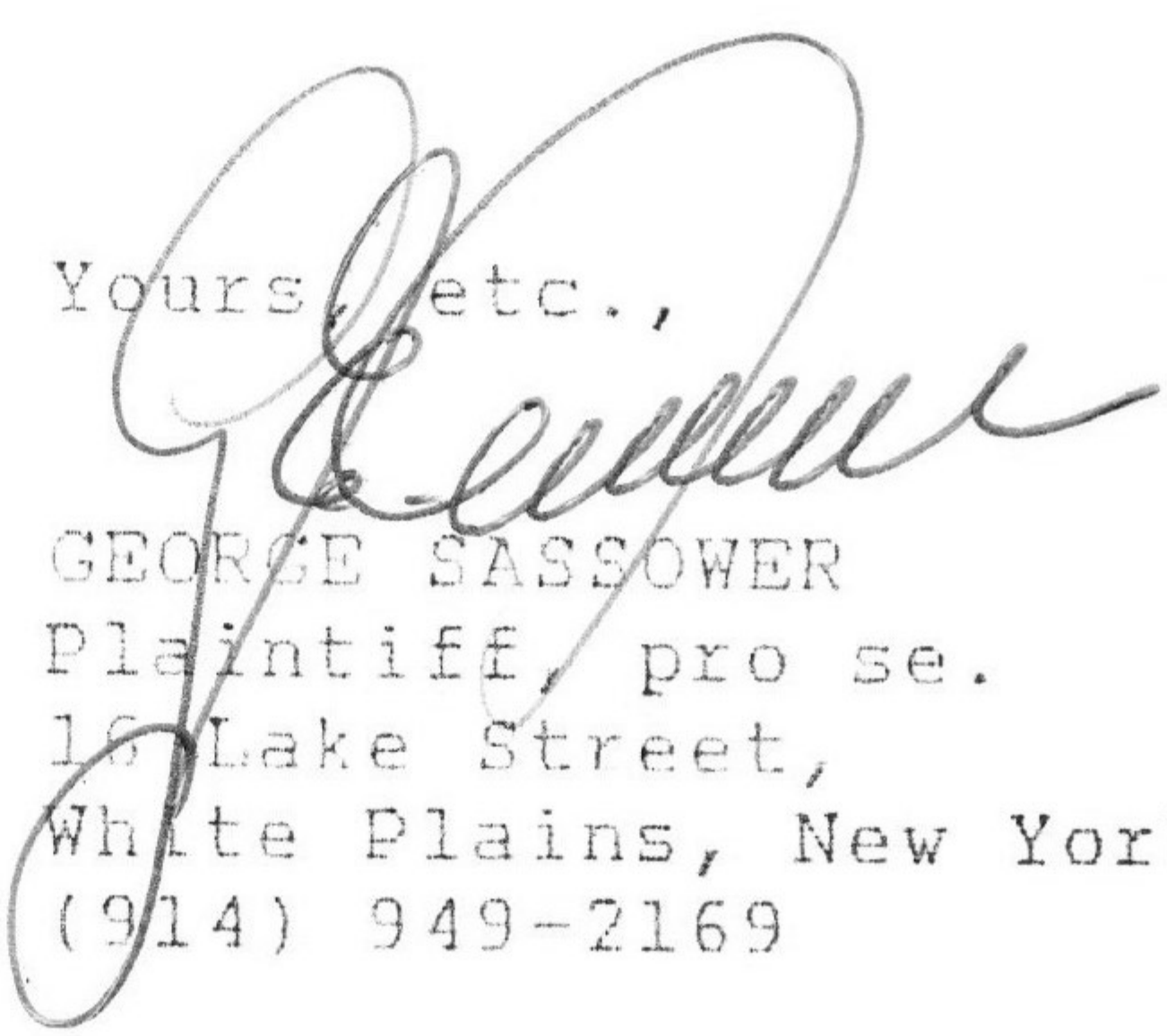
AS AND FOR A THIRD CAUSE OF ACTION

19. Plaintiff repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "18" inclusive, with the same force and effect as though more fully set forth herein, and further alleges.

20. By reason of the aforementioned, plaintiff demands damages, actual and punitive, against all the defendants herein, in the sum of \$50,000,000, together with interest, costs and disbursements.

Dated: February 26, 1992

Yours, etc.,


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Plaintiff, pro se.
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