UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

GEORGE SASSOWER,

Petitioners,

-against-

FIDELITY & DEPOSIT COMPANY OF MARYLAND; WEST PUBLISHING COMPANY; MEAD DATA CENTRAL, INC.; LAWYER'S COOPERATIVE PUBLISHING CO.; GENERAL INSURANCE COMPANY OF AMERICA; FRANCIS T. MURPHY; XAVIER C. RICCOBONO; IRA GAMMERMAN; DONALD DIAMOND; ROBERT ABRAMS; DAVID S. COOK; ANGELA M. CARTMILL; CAROLYN C. OLSON; RONALD GOLDSTOCK; GUY J. MANGANO; WILLIAM C. THOMPSON; ERNEST L. SIGNORELLI; ANTHONY MASTROIANNI; ANGELO J. INGRASSIA; CITIBANK, N.A., KREINDLER & RELKIN, P.C.; LEE FELTMAN; FELTMAN, KARESH, MAJOR, and FARBMAN; HOWARD M. BERGSON; IRA POSTEL, HYMAN RAFFE; A.R. FUELS, INC.; THOMAS J. MESKILL; JAMES L. OAKES; WILFRED FEINBERG; HELEN KAUFMAN, as executrix of IRVING R. KAUFMAN; JON O. NEWMAN; GEORGE C. PRATT; ROGER J. MINER; ELLSWORTH A. VAN GRAAFEILAND; J. EDWARD LUMBARD; FRANK X. ALTIMARI; ELAINE B. GOLDSMITH; KATHLEEN BROUWER; THOMAS J. GRIESA; CHARLES L. BRIEANT; WILLIAM C. CONNER; GERARD L. GOETTEL; PETER K. LEISURE; EUGENE H. NICKERSON; ABNER J. MIKVA; RUTH B. GINSBURG; AUBREY E. ROBINSON, III; DOLORES K. SLOVITER; NICHOLAS H. POLITAN; JOHN F. GERRY; SAM J. ERVIN, III; ALEXANDER HARVEY, II; GILBERT S. MERRITT; JOHN D. HOLSCHUH; MICHAEL R. MERZ; RICHARD S. ARNOLD; DONALD P. LAY; J. CLIFFORD WALLACE; BARBARA J. ROTHSTEIN; WILLIAM H. REHNQUIST; R. RALPH MECHAM; JANET RENO; WILLIAM P. BARR; RICHARD L. THORNBURGH; KENNETH W. STARR; STUART M. GERSON; SAMUEL A. ALITO, JR.; DENIS DILLON; SKADDEN, ARPS, SLATE, MEAGHER & FLOM; ELLIOTT B. JACOBSON; ROBERT W. SADOWSKI; G. ELAINE WOOD; PAMELA MILLARD STANEK; THOMPSON, HINE AND FLORY and CLAPP & EISENBERG, P.C.,

Respondents.

Docket #
93-11335Y

COMPLAINT

JURY DEMANDED

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

1a. 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 and 18 U.S.C. §1964.

b. With the exception of WEST PUBLISHING COMPANY ["West/Westlaw"], MEAD DATA CENTRAL, INC. ["Lexis"] and LAWYER'S COOPERATIVE PUBLISHING CO. ["LCPC"], against whom equitable relief is also sought, the action here is for money damage, bottomed on racketeering activity, and independently on contract, interference with contractual rights, deprivation of federal civil rights, and tort, constitutional and otherwise.

2a(1) This action is not against the federal government, since all federal defendants are here sued only in their personal capacities, for activities which are personally motivated and contrary to the legitimate interests of the federal government.

(2) Any defense representation of the federal defendants, at federal cost and expense, without a 28 U.S.C. §2679[d] "scope" certification, is unauthorized, and a fraud on the federal treasury.

(3) As the United States is one of the victims of this racketeering activity, it would be incongruous for the federal government, at federal cost and expense, to defend the activities of its perfidious officials who are, inter alia, diverting monies payable "to the federal court" to private pockets.

b(1) Albeit, the aforementioned, further confirmed by the unambiguous statutory language, and the unanimity of the decisions thereunder, as part of this racketeering activity, all the defendants in this action are involved in, or actively cooperating, in the fraud upon the federal government and the plaintiff, by having federal judges and officials defended, at

federal cost and expense, without any 28 U.S.C. §2679[d] "scope" certification.

(2) Some of the federal judges and officials in this action, including Chief U.S. Circuit Court Judge GILBERT S. MERRITT of the Sixth Circuit and U.S. Circuit Court Judge JON O. NEWMAN of the Second Circuit, who themselves are tort defendants in another personal capacity action, have conceded (Sassower v. McFadden, SDNY 93-0342 [PKL]) that they:

> "know and are clearly aware that such federal representation (without 'scope' status), 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; ... 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; ... know and are aware that their actions as alleged herein, are criminal in nature and violative of the federal criminal code; ... 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; ... are aware that such personal capacity civil representation violates the constitutional scheme for the separation of powers, and is unconstitutional; ... 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." [emphasis supplied]

c. The misconduct of the federal officials here sued, in substantial part, also comes within the exceptions contained in 28 U.S.C. §2679[b][2][A][B].

d. Since the federal defendants' malfeasance was performed jointly with state actors, operating under "color of law", the federal defendants' misconduct also violated 42 U.S.C. §1983.

3a(1) Similarly this action is not against any state sovereign, and in view of the Eleventh Amendment to the U.S. Constitution, it could not be.

(2) Any defense of the state defendants herein, at state cost and expense, is unauthorized, a fraud upon the state government, a direct affront to the U.S. Constitution and the United States courts.

b. Here again, a prime victim of the racketeering adventures here described, is the State of New York, and it would be incongruous that the state government would defend the activities of its perfidious officials, at state cost and expense.

c. Notwithstanding the lack of constitutional authority to defend, at state cost and expense, state judges and associated officials, without denying that it is constitutionally prohibitive, as part of this pattern of racketeering activity, are defended at state cost and expense, in federal courts.

d. Albeit, the aforementioned, confirmed by the clear constitutional language, and the unanimity of decisions thereunder, as part of this racketeering activity, all the defendants in this action are involved in, or actively cooperating, in the fraud upon the state government and the

plaintiff, by having state judges and officials defended, at state cost and expense.

4a. 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.

b. Plaintiff, by reason of the aforementioned, is entitled to all rights, privileges and immunities guaranteed by the Constitution and the Laws of the United States including: the right to enforce his private contractual obligations; the right to speak freely concerning corruption and misconduct in government; the right of free association; the right to petition agencies of government concerning his grievances; and other basic constitutional civil rights; the right to be free of racketeering activity and injuries; and the right to access to the courts to vindicate his legal rights.

5. Concomitantly, those who purport to exercise the powers of government, cannot impair plaintiff's private contractual obligations; cannot impair his right to access to the courts, for any case or controversy, not having been fully litigated on the merits; cannot impair plaintiff's legitimate exercise of free speech, including the right to criticize members of government, or expose their criminal conduct; or deprive him of his basic constitutional rights, including access to the courts for relief.

6. The object of the racketeering scenarios here described is money and power by members of the judiciary, for themselves, their cronies and obligees, at the cost and expense

of the federal and state sovereign, their oath of office, the commonweal, including specifically the plaintiff.

7a. There is no immunity for the claims made herein, insofar as to the judicial defendants are concerned as: the acts upon which the claims are made are not judicial in nature; there is a clear absence of all jurisdiction; there is a known lack of jurisdiction; they are based on acts not involving discretion; and/or the intention was and is to cause constitutional injuries which were caused thereby.

b. No federal judge, in a court created by congress, as a matter of ministerial prohibition, can exclude any person from having a case or controversy heard, where a federal issue is involved; can prevent the transmission to the grand jury evidence of criminal activity, or retaliate against one exercising his right in exposing judicial corruption.

8a. Plaintiff has a transactional involvement, as a victim, in the larceny and unlawful plundering of: (1) all the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], and (2) all the assets in the ESTATE OF EUGENE PAUL KELLY ["Kelly Estate"]/GENE KELLY MOVING AND STORAGE TRUSTS ["Kelly Trusts"], which are two examples of the racketeering activities by members of the judicial branch of government and their cronies.

b. Albeit helpless, these judicial trusts are "persons" within the meaning of Amendment V and XIV of the U.S. Constitution, whose assets are held under "color of law", within the meaning of 42 U.S.C. §1983.

9a. Within the racketeering injuries here claimed are independent, consistent and related valid causes of action in contract, interference with contractual obligations, deprivation of civil rights and tort, constitutional and otherwise.

b. The independent causes of action, although included as part of the racketeering cause of action, are initially addressed.

AS AND FOR A FIRST CAUSE OF ACTION

10. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint marked "1" through "9" inclusive with the same force and effect as though more fully set forth herein and further alleges:

11. Contractually due, and constitutionally protected, are various monetary claims in favor of plaintiff against some of the defendants, as follows:

a(1) Against Puccini, plaintiff holds a contractually based money judgment in the sum of $27,912.42, and other monetary contractual claims, all of which are constitutionally protected against impairment by any branch of government, state and federal.

(2) By statute, incorporated in its surety bond, FIDELITY & DEPOSIT COMPANY OF MARYLAND {"F&D"] is contractually liable to plaintiff for the payment of the aforementioned.

b. As against A.R. FUELS, INC. ["AR"] there is contractually due plaintiff monies, unrelated to Puccini, wherein AR is judicially estopped to deny that at least $120,000 is due.

c. As against HYMAN RAFFE ["Raffe"] there is contractually due plaintiff very substantial sums of monies, against which Raffe arguably has some comparatively minor set-offs.

d. As against LEE FELTMAN, Esq. ["Feltman"] and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], there is contractually due plaintiff liquidated sums of monies, in the approximate amount of $10,000, resulting from the seizure of funds under a "phantom" judgment.

e. As against KREINDLER & RELKIN, P.C. ["K&R"] and CITIBANK, N.A. ["Citibank"], there are monies paid on behalf of plaintiff which were due and owing "to the federal court", and which are arguable due and owing, which were diverted to their pockets.

f. As against DENIS DILLON ["Dillon"] there is contractually due plaintiff the sum of $2,500.

g. As against ANTHONY MASTROIANNI ["Mastroianni"] and his unknown bonding company, plaintiff personally, and as the former executor of the Kelly Estate and trustee to the Kelly Trusts, there is due substantial, contractually based, monies.

12. Plaintiff requests that this Court enter judgment against the aforementioned defendants based upon his contractual causes of action alleged herein, liquidated and unliquidated.

AS AND FOR A SECOND CAUSE OF ACTION

13. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint marked "1" through "12"

inclusive with the same force and effect as though more fully set forth herein and further alleges:

14a. By "paying-off" the "syndicate" of N.Y. State Appellate Division Presiding Justice FRANCIS T. MURPHY ["Murphy"] of the First Department and [former] Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"], and otherwise corrupting federal and state jurists and officials, and by reason of plaintiff's exposure of such corruption, plaintiff is denied access to the state and federal courts in New York and the Second Circuit in order to liquidate his claims, contractual and/or otherwise. --

b(1) In 1989, HOWARD M. BERGSON, Esq. ["Bergson"]-- the courier for the Raffe payments -- admitted to the media, that the amounts that Raffe paid FKM&F and K&R, the 'judicial bag-men' was "more than of $2,500,000".

(2) On December 22, 1992, in an unsolicited judicially filed affidavit, Raffe admitted the sum paid to be in "excess of $2,000,000".

(3) These monies to the "Murphy-Brieant syndicate" are ongoing and correlated to plaintiff's activities in resisting and exposing judicial corruption. In effect, Raffe is being kept hostage ["Raffe-The Hostage"] to compel plaintiff's silence.

c. In addition to making the aforementioned payments, Raffe agreed, in writing, to execute releases to the federal "judges of the Southern and Eastern District of New York", the "Justices of the New York Supreme Court", N.Y. State Attorney General ROBERT ABRAMS ["Abrams"], and others, and therefore they

suffer from a jurisdictional disqualification, since plaintiff has attempted to nullify same and have returned to Raffe the monies extorted from him.

d. In return for the aforementioned, Raffe was not incarcerated under a criminal conviction and a criminal report, as was plaintiff and another, and as long as he makes these extortion payments, he will not be incarcerated and will be protected from plaintiff's claims.

e. Such extortion payments are admittedly intended to and are employed to deny plaintiff access to the courts, in order to liquidate plaintiff's claims, contractual and otherwise, including as against Raffe and AR, as well as to avoid Raffe's incarceration.

15a. All defendants named herein, affiliated or associated with the New York - Second Circuit, including members of the judiciary, in non-immune situations, are involved in this continuing and ongoing racket.

b. Included in the aforementioned, is the 1984 non-due process, without jurisdiction, physical exclusion edict of plaintiff by Referee DONALD DIAMOND ["Diamond"] from his Courtroom prompted by plaintiff's resistance and exposing of his corruption in the Puccini matter, and his and that of Mr. Justice IRA GAMMERMAN ["Gammerman"] non-due process, without jurisdiction, filing embargoes.

c(1) Also included is the 1987 without due process, without jurisdiction, filing embargo by Chief Judge Brieant, and the 1989 without due process, without jurisdiction oral edict of

Chief Judge Brieant, which physically excluded plaintiff from the entire Federal Court Building in White Plains, even when his constitutional interests are being litigated therein, and enforced by, inter alia, Assistant U.S. Attorney ELLIOT B. JACOBSON ["Jacobson"] who also hijacks plaintiff's communications to the Grand Jury.

(2) The 1989 edict followed shortly after media exposure of Murphy, for his interference in the disciplinary process. Plaintiff was clearly the source of one such media exposure, and suspected to have been involved in the other.

16. Plaintiff is denied effective access to the courts of other circuits by the "fixing" activities of Brieant, [former] Chief U.S. Circuit Court Judge JAMES L. OAKES ["Oakes"], Chief U.S. Circuit Court Judge THOMAS J. MESKILL ["Meskill"] and others, under a modus operandi substantially as follows:

a. With the possible exception of the Brieant "fix" of U.S. District Court Judge NICHOLAS H. POLITAN ["Politan"] of New Jersey where the Chief Judge was initially circumvented, Brieant communicates, ex parte, with the Chief U.S. District Court Judge, requests that the judge assigned not afford plaintiff any trial or hearing, no pre-trial discovery or disclosure, accept the validity of various orders affecting plaintiff, even when facially suspect, that they not be made the subject of judicial scrutiny to determine threshold jurisdictional or constitutional validity, including Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]), but such decisions be accepted, on face value, and plaintiff's action be summarily dismissed.

b. The Chief Judge, only some of whom are named here as defendants, are further requested to entertain the tort, money damage, legal representation of Attorney General Abrams, notwithstanding the Eleventh Amendment jurisdictional bar and also his conflicting representation.

c. The Chief Judge is requested to defraud the federal government by having the local U.S. attorney represent the federal defendants, albeit the absence of 28 U.S.C. §2679[d] "scope" certifications or United States substitution and not support any motion to recover monies payable "to the federal court" that was diverted to private pockets.

d. The Chief Judge is requested to effectively demand that the local attorneys defendants betray their clients in their representation of them by, inter alia, not impleading or cross-claiming.

e. The Chief Judge is requested to bar plaintiff's from further filings in that district, absent permission, which is thereafter to be denied.

f. The Chief Judge is requested to deny plaintiff access to the disciplinary tribunals and forums.

g. The Chief Judge is requested to deny in forma pauperis standing to plaintiff whenever possible.

17. Similar requests have been made to the involved Chief U.S. Circuit Court judges by, inter alia, Chief Judge Oakes and Chief Judge Meskill.

18a. All judges recognize, particularly when brought to their attention by plaintiff that, on its face, Raffe v. Doe

(supra) is transparently invalid, since no judge has the power to enjoin a stockholder or judgment creditor from compelling a court-appointed receiver to account for his stewardship; that the representation of the Attorney General, obviously at state cost and expense, was barred by the Eleventh Amendment, and that the only jurisdiction that U.S. District Court Judge WILLIAM C. CONNER had over plaintiff, was as the attorney for Raffe, nothing more.

b(1) Not disclosed on the face of Raffe v. Doe (supra) is that Raffe, in order to avoid incarceration under a criminal conviction, was compelled, by written documents, to discharge plaintiff as his attorney, which occurred three months before Raffe v. Doe (supra) was issued.

(2) Consequently, on October 11, 1985, when Raffe v. Doe (supra) was issued, there was a complete absence of all jurisdiction over plaintiff or any of his interests.

c. All federal judges recognize that, in other cases, the presence of named federal defendants, sued in their own name, without a United States substitution, is also jurisdictionally infirm, which they are also requested to disregard.

19. In this and other ways, plaintiff's right to liquidate his contractual obligations are impaired, and access to the courts of the United States are denied him, within and without the New York - Second Circuit bailiwick.

AS AND FOR A THIRD CAUSE OF ACTION

20. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint marked "1" through "19"

inclusive with the same force and effect as though more fully set forth herein and further alleges:

21. Various methods are employed to deny or obstruct plaintiff of his constitutional right to petition the Supreme Court of the United States for relief, only one of which is described herein.

22. By a transparent "fix", clearly demonstrated during argument, plaintiff's action, with multiple causes of action, was dismissed on threshold merit motions by defendants.

a. In that case, the state court had refused to sign a plaintiff's original petition for a writ of habeas corpus on behalf of DENNIS F. VILELLA ["Vilella-The Hostage"], an absolute right under state law, who was convicted and incarcerated for crimes never committed by anyone, in a depraved attempt to compel plaintiff to succumb.

b. In that case, multiple relief was also requested by plaintiff with respect to the Puccini matter; the Kelly matter; and the unlawful seizure of plaintiff's property by a state prosecutor, prompted by a state-federal desire to frustrate plaintiff's ability to expose corruption.

c. Despite the personal capacity involvement of federal judges, it was the U.S. Attorney who appeared for them, and despite the Eleventh Amendment jurisdiction bar, Abrams appeared for the state defendants.

d(1) The minutes of the arguments made by plaintiff, the U.S. Attorney's and Abrams' attorney, clearly disclosed the judicial "fix".

(2) Those minutes, although ordered numerous times, plaintiff was never able to obtain.

e(1) Despite the compelling merit, coupled by plaintiff's exposure of federal corruption in related proceedings, the dismissal was affirmed, and plaintiff thereafter barred from the Second Circuit Court, absent leave.

(2) The Circuit Court embargo was made despite the inability of anyone to show a single instance wherein plaintiff had ever engaged, in 40 years at the bar, in a frivolous legal procedure.

f. — The Order of December 3, 1990 reads partially as follows (Sassower v. Mahoney, CCA2d, 88-6203) :

> "The clerk of this Court is instructed to return any papers sought to be filed by Sassower that are not accompanied by an application seeking leave to file."

g. Although plaintiff's Rule 23.3 (Supreme Court of the U.S.) and/or 28 U.S.C. §1254(2) applications are accompanied by "leave" applications they are physically rejected by defendants, ELAINE B. GOLDSMITH ["Goldsmith"] and KATHLEEN BROUWER ["Brouwer"] under instructions by Chief Judge Meskill and Circuit Judge Newman, thus obstructing plaintiff's applications to the Supreme Court of the United States.

h. Goldmith, Brouwer and others in that office are further instructed, irrespective of the relief requested after an inordinate delay, for them, not any judge, to deny leave.

AS AND FOR A FOURTH CAUSE OF ACTION

23. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint marked "1" through "22"

inclusive with the same force and effect as though more fully set forth herein and further alleges:

24. The publishing and distribution facilities of West/Westlaw, Lexis and LCPC, is essential to this criminal racketeering operation in concealing its existence, and heaping calumny upon those who oppose this judicial racket, and causing constitutional injuries thereby.

a. Although there is no final judgment, no final order, and no final accounting, by any judge of competent jurisdiction, with personal jurisdiction over plaintiff, for the judicial trust assets of Puccini, the West/Westlaw, Lexis, and LCPC republish and distribute, the fabrications implying the contrary, although they know such publications are false, concocted, and contrived and not the product of any valid judicial determination.

b. West/Westlaw, Lexis, and LCPC republish their diatribes concerning plaintiff although they know that there was no subject matter jurisdiction, no personal jurisdiction, no due process, are constitutionally infirm, and were the product of fraud and corruption, causing plaintiff constitutional injuries.

(1) Thus, for example, West/Westlaw and Lexis all actually know that Judge Conner had no jurisdiction over plaintiff when he published his injunctive diatribe in Raffe v. Doe (supra), since plaintiff had been discharged by Raffe about three months prior thereto, and except as attorney for Raffe, there never was never any jurisdiction over plaintiff or his

personal interests by Judge Conner in the Raffe v. Doe (supra) action.

(2) West/Westlaw, Lexis, and LCPC actual know that all the non-summary criminal contempt convictions of plaintiff, SAM POLUR, Esq. ["Polur"], and Raffe, with fines and terms of incarceration imposed thereon, are nullities, since they were all rendered without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver, but such decisive infirmities are concealed in the publications.

(3) West/Westlaw, Lexis, and LCPC all actually know that when plaintiff and Polur exposed such racket, these trialess convictions were elevated from "offenses" to "serious" crimes, and plaintiff was disbarred and Polur suspended, while Raffe "paid-off" the "Murphy-Brieant syndicate" in excess of two million dollars to avoid incarceration.

(4) West/Westlaw and Lexis both actually know that every essential fact for constitutional jurisdiction was fabricated, concocted and contrived in Sassower v. Sheriff (824 F.2d 184 [2nd Cir.-1987]), as that Court concealed the "phantom" nature of the accounting which was to be approved, which plaintiff aborted, and that Raffe was "paying-off" substantial monies to a "judicial racketeering syndicate" to avoid confirmation of a mirrored report.

(5) West/Westlaw, Lexis, and LCPC all actually know that although plaintiff had constitutionally vested interests in the property made the subject of the litigation, and an indispensable party therein (Elena R. Sassower v. Field (752 F. Supp. 1182 [1990]; 752 F. Supp. 1190 [1990]; 138 FRD 369 [1991]; 973 F.2d 75 [2d Cir.-1992]), plaintiff was not a party, not permitted to intervene, not permitted to file papers, and since 1989, not even permitted to be physically present in the Courthouse Building, under the sua sponte, without jurisdiction, without due process oral edict of Brieant, while the published decisions were inundated with defamatory, false and constitutionally injuries material concerning plaintiff.

25a. Under the fabricated myth that plaintiff's proceedings are "frivolous", and without any specific support for same, the defendants jurists has employed that concocted myth to deny plaintiff access to the courts, including when relief is constitutionally compelling, or when permitted, will recognize all published defamatory decisions concerning plaintiff, although all the evidence reveals they are nullities, even when such is the conceded fact.

b. Such denial of access to the courts is under an agreement and arrangement with all the named Chief U.S. Circuit Court Judges, as evidenced by their actions, as delivered to their thrall.

26. A single example is the recent case of Sassower v. Thompson, Hine and Flory (CCA6-Nos. 92-3553), which action was based, inter alia, upon the corruption of the judiciary in the

Sixth Circuit, for non-immune misconduct, which Chief U.S. Circuit Court Judge GILBERT S. MERRITT ["Merritt"] and others judicially conceded to have occurred in the Sixth Circuit. Nevertheless, the dismissal by the District Court was affirmed, by an opinion that never adjudicated the issues presented, and further stated:

> "Accordingly, George Sassower is hereby enjoined from filing, instituting, continuing or prosecuting any civil action in this or any other federal court in this Circuit without first obtaining leave of that court. In seeking leave to file, Sassower must certify that the claim or claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court. Such claims may not include any relating to or arising from the Puccini Clothes litigation, claims objecting to sanctions for which ordinary review has been exhausted, or claims against any state or federal judge, officer, or employee for actions taken in the course of their official duties exercised in connection with Sassower's previous litigation. He must also certify that the claim or claims are not frivolous or malicious, or taken in bad faith. Additionally, the motion for leave must be captioned 'Application Pursuant to Court Order Seeking Leave to File' and Sassower must affix a copy of this opinion and order to that motion. Failure to comply strictly with the terms of this injunction will be sufficient grounds for summarily denying leave to file." [emphasis supplied]

a(1) There never was any initial proceeding in Puccini, with jurisdiction over plaintiff, which terminated in a final judgment or final order, as Chief Judge Merritt is clearly aware. The judiciary and their cronies simply took Puccini's judicial trust assets -- and ran.

(2) Chief Judge Merritt simply gave the panel its "marching orders", as desired by the Second Circuit desired. It is "larceny by judicial edict."

b. Diverting monies payable "to the federal court" and diverted to private pockets, has never been adjudicated, since plaintiff is denied access to the courts for that purpose, and such diversion is not "taken in the course of any official duty", as evidenced by the fact that no U.S. Attorney will "scope" certify such misconduct.

AS AND FOR A FIFTH CAUSE OF ACTION

27. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint marked "1" through "26" inclusive with the same force and effect as though more fully set forth herein and further alleges:

28a. The activities involved in the Puccini matter, is only a single example of the racketeering practices, centered on the "patronage mill" operation of Presiding Justice Murphy, in his "personal fiefdom" (NY Newsday, February 5, 1989), where judicial trusts and estates are unlawfully and routinely ravished of their assets by favored members of the judiciary and their cronies, leaving nothing for the nationwide legitimate creditors.

b. The modus operandi of this racketeering operation, which involves: (a) the larceny of all of Puccini's judicial trust assets; (b) the diversion of monies payable "to the federal court" to private pockets, and (c) the extortion of monies in "excess of $2,000,000", by check, to the judicial "bag-men" to avoid incarceration under a criminal conviction, is as follows:

c(1) In addition to the economic wealth in Murphy's judicial bailiwick which lubricates his "patronage mill", after

100 years of threshold disciplinary authority in the Bar Association of the City of New York, by a sua sponte edict, Murphy rejected a commission's findings and recommendations and dragooned such disciplinary authority to himself and the Court that he controls.

(2) Except where disbarment is mandatory, the conduct of those made subject to disciplinary proceedings is essentially irrelevant, and the controlling and decisive factor is Murphy's personal desires.

(3) Thus, where the Murphy "patronage mill" is concerned, attorneys routinely betray the interests of their clients, for fear of retaliatory disciplinary action and/or loss of judicial favor.

(4) "Whistleblowing" concerning judicial misconduct, albeit mandatory (Code of Professional Responsibility, DR 1-103; 18 U.S.C. §4), invariably triggers a disciplinary proceeding, particularly when the Murphy "patronage mill" is concerned.

29a. N.Y. State Attorney General ROBERT ABRAMS ["Abrams"] is the statutory fiduciary of all involuntary dissolved corporations, with extensive discretionary power and some mandatory "duties", to be employed for the benefit of those who have legitimate interests in the assets of the involuntarily dissolved corporations (NY Bus. Corp. Law §1214(a), §1216(a)).

b. The clear thrust of the statutory scheme is that Abrams, qua fiduciary, will insure the integrity of judicial trust from the monetary appetites of the judiciary and their

appointees, particularly since private attorneys do not have the necessary "clout".

c. Abrams' participation in such judicial racket is quintessential, and consequently, during the 15 year joint tenures of Murphy, as Presiding Justice, and Abrams, as Attorney General, as part of this pattern of racketeering activity, no one is aware of a single instance where Abrams performed his fiduciary duties, including those of a mandatory nature, unless consented to by Murphy.

d. On the contrary, Abrams actively aids and abets the larceny of judicial trusts by Murphy and his entourage, as demonstrated by the Puccini matter, where his position in and out of the judicial forums is always contrary to his judicial trust.

e(1) All Puccini's judicial trust assets were made the subject of larceny by the judiciary and its cronies, as part of the Murphy "patronage mill" operation, and no accounting can be made without further exposing such racket.

(2) Thus, although more than thirteen year, has expired since Puccini was involuntarily dissolved, not a single accounting of its assets has been filed although such accounting must be filed "at least once a year" (22 NYCRR §202.52[e]).

(2) Although Abrams must, as a mandatory "duty" (NY Bus. Corp. Law §1216[a]) make application to compel an accounting if not made within 18 months, in the more than thirteen years, no such application has been made and he opposes any application made by other creditors.

f. As part of his active aid, Abrams simultaneously represents himself, qua fiduciary, and Murphy, qua thief, in the various judicial forums, at state cost and expense, even in the federal forums, where such representation is constitutionally prohibited by virtue of Amendment Eleventh of the U.S. Constitution.

30a. Murphy and Brieant, were engaged in the unlawful and unethical practice of disguised nepotism (see Spector v. State Comm. on Judicial Conduct, 47 N.Y.2d 462, 418 N.Y.S.2d 565, 392 N.E.2d 552 [1979]), and the son of Chief Judge Brieant still remain in Murphy's close employ, at state cost and expense.

b. Aside from the aforementioned, Murphy and Brieant, through such "patronage mill" operation, and other unlawful practices, have effective control of the federal judiciary in the Second Circuit, nisi prius and circuit court, as documented evidence confirms.

31a. The appointive and plundering practices of Suffolk County Surrogate ERNEST L. SIGNORELLI ("Signorelli") have also been the focus of media attention.

b. Like the practices in the Puccini matter, they have all the essential elements for an 18 U.S.C. §1961 cause of action.

32. In the Kelly Estate matter, as well as other, to those to whom Signorelli has personal monetary and other obligations, they are informed, in satisfaction thereof, to submit fictitious or exaggerated bills for their services in estates wherein his appointee, Public Administrator ANTHONY

MASTROIANNI ["Mastroianni"] is the administrator and they will be approved by both Mastroianni and Signorelli for payment.

33a. In the Kelly Estate, by reason of such plundering practices, and the malfeasance and misfeasance of Mastroianni, all the Kelly Estate assets were dissipated, leaving nothing for the beneficiaries.

b. In addition thereto, because of the federal penalties imposed by the Mastroianni failures, the trust assets of the Kelly Trusts were, ex parte seized by him from plaintiff to satisfy same.

c. Plaintiff, who was the trustee of the Kelly Trusts, and the beneficiaries of same, were never made party to such proceedings, nor were they aware of same.

d(1) Thus, as to plaintiff and the beneficiaries, the Appellate Division was the court of first and only state, resort in their appeal from a decree in which plaintiff, personally, was a party.

(2) To insure such fraud, a federal injunction was obtained, which denied plaintiff a federal forum in the matter.

e. Plaintiff was never served in such Appellate Division proceedings and the attorney for the beneficiaries was dead, when such proceedings were argued/submitted and determined by that Court.

f. In addition thereto, plaintiff was a necessary party since there was due him commissions for his stewardship of the Kelly Estate, and for which he was not afforded opportunity

to present in the Appellate Division since, as aforementioned, he had never been served.

34a. Here again Abrams was a necessary party, since the main beneficiary, and a client of the deceased attorney, was incompetent.

b. However, Abrams, at state cost and expense, including in federal forums, always represented Signorelli and acted contrary to the interests of his trusts.

c. The final result of this continuing racketeering practice, is that plaintiff was not even afforded the opportunity of presenting his claims or arguments at the Appellate Division (Matter of Kelly, 147 A.D.2d 564, 537 N.Y.S.2d 857 [2nd Dept.-1989]), or protecting his contractual and other rights and the rights of the Kelly beneficiaries, under the prior, without due process, Injunctive Order of June 29, 1989 in Cohen & Vilella v. Littman, 89-7049 [2nd Cir.-6/20/89).

d(1) Again, all legitimate creditors and beneficiaries received nothing, by reason of the "larceny by injunction" criminal racketeering activities of the Second Circuit judiciary operating in tandem with state jurists and officials, who were defended in that action at state cost and expense, the Eleventh Amendment notwithstanding.

(2) Here again the federal judicial defendants who were engaged in criminal activity and contrary to sovereign interests, were represented at federal cost and expense, without being "scope" certified.

35. By reason of the aforementioned, plaintiff demands racketeering judgment against all the defendants, in the sum of $500,000,000, judgment on his independent causes of action, and equitable relief against West/Westlaw, Lexis and LCPC, together with costs and disbursements of this action.

Dated: June 14, 1993

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