SUPREME COURT OF THE STATE OF NEW YORK APPELLATE DIVISION: FIRST JUDICIAL DEPT.

In the Matter of the Application of GEORGE SASSOWER,

Petitioner,

-against-

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST JUDICIAL DEPT.

Respondents.

For a Writ of Prohibition.

SIR:

PLEASE TAKE NOTICE, that upon the annexed petitioner of GEORGE SASSOWER, Esq., dated February 8, 1986, and upon all the pleadings and proceedings had heretofore herein, the undersigned will move this Court at a Stated Term of the Appellate Division of the Supreme Court, First Judicial Dept., held at the Courthouse thereof, 25th Street and Madison Avenue, in the Borough of Manhattan, City and State of New York, on the 3rd day of March, 1986, at 9:30 o'clock in the

may be heard for an Order disqualifying this Court, constitutionally and by force of statute, from adjudicating or reviewing any matter related to PUCCINI CLOTHES, LTD., and GEORGE SASSOWER, Esq., together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served upon the undersigned at least seven days before the return date of this motion, with an additional five days if such service is by mail.

Dated: February 8, 1986

Yours, etc.,

GEORGE SASSOWER, Esq. Attorney pro se 51 Davis Avenue, White Plains, N.Y. 10605 (914-949-2169

To: Hon. Robert Abrams

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TO THE JUSTICES OF THE SUPREME COURT OF THE STATE OF NEW YORK: FIRST JUDICIAL DEPARTMENT:

Petitioner, GEORGE SASSOWER, Esq., complaining of respondents, respectfully sets forth and alleges:

1a. This application is for the purpose of declaring this tribunal disqualified, constitutionally and by statute, prohibiting it and its justices from adjudicating or reviewing any matter related to PUCCINI CLOTHES, LTD. ["Puccini"], or your petitioner, particularly any contempt proceedings.

b. This proceeding should be distinguished from the pending proceeding in the Second Department wherein it is prayed that this Court, as well as <u>nisiprius</u> courts in the First and Second Departments, be prohibited from adjudicating contempt proceedings against your affirmant, by reason of (1) "double [multiple] jeopardy [vindications]", and "invidious and selective prosecution".

2a. Except for an "interim stay" application, or any other applications which "of necessity" must be brought before this tribunal, the power and authority of this Court to sit in judgment in the Puccini litigation and your petitioner has been and is questioned and disputed.

b. In affirmant's view, 60 Center Street, a Courthouse which affirmant loved, could justifiably be rededicated and renamed "Rickey's whorehouse"!

This Court has become a "judicial cesspool", and has and continues to disgrace itself, as will be hereinafter briefly and partially be shown.

- 3a. Affirmant has stated, ad nauseam, that he has neither power nor authority to excuse criminal conduct, and has no intention of doing so, particularly wherein it would conflict with affirmant's obligation to his client or himself.
- b. Affirmant has also repeatedly stated to members to this Court that he will not negotiate with, or succumb to, the "criminals with law degrees", nor accept the "indulgences" from their stable of "fixable judges"!
- As legal propositions, unquestionably (a) members of the judiciary enjoy no immunity for criminal conduct; (b) that they are subject to subpoena, and may be compelled to testify, as indeed is their obligation; (c) they are liable in damages for "ministerial" misconduct; and (d) they are liable for "attorney's fees" for violating one's federal civil rights!
- b. A substantial number of the members of this Court are presently parties, as defendants and respondents in pending litigation; they are potential witnesses in affirmant's disciplinary proceedings; they are potential witnesses in affirmant's <u>Dennis v. Sparks</u> (449 U.S. 24) action; and they clearly violated the federal civil rights of both Puccini and your affirmant!

c. Furthermore, since this Court and members thereof, have failed and refused to clean the defiled "temples of justice", as affirmant has repeatedly requested and/or demanded, he has and will turn over his evidence to the media and criminal prosecuting authorities.

Affirmant submissions to the media and criminal prosecuting and investigatory authorities, are and will be, full and fair, so that they can perform their assigned function in a democratic society!

- 5a. The latest outrage by the "criminals with law degrees" and their "judicial whore", Referee DONALD ["Khadafy"] DIAMOND, is, and understandably so, of particular interest to the media!
- b. Affirmant filed a <u>nisi prius</u> motion to (1) remove the Puccini litigation from the its present venue; and (2) to compel the Receiver to account, since no accounting has ever been rendered since it was involuntarily dissolved on June 4, 1980 -- more than five (5) years ago -- and the Receiver's last extension to December 31, 1985, had come and passed.
- c. By reason of an interim motion assignment, such motion should have been referred to Mr. Justice MARTIN B. STECHER in IAS Part 13.

Referee ["Khadafy"] Diamond "physically hijacked" such motion papers <u>before</u> it could be entered on the "judicial computer". Referee Diamond, purporting to be the Justice Presiding in IAS 13 then "directed" the Sheriff of Westchester County to "break into" and "seize" the obsolete and irreplaceable Word Processor that affirmant uses, and affirmant's "Mme. Defarge Soft Ware", which as everyone knows contains all affirmant's data on "judicial corruption", including that of Referee Diamond!

The entire "judicial computer system" was circumvented, and nothing of the above appears thereon!

Consequently, affirmant, literally, in the middle of the night, had to abandon his residence and go into hiding!

d. Obviously, the "criminals with law degrees" and Referee Diamond would not continue on their course of criminal and egregious conduct had not this Court, as well as <u>nisi prius</u>, in effect, ratified all their prior gross misconduct, and are reasonably certain they would do so in the future!

--- compels the Receiver to file an accounting on a judicial trust, more than five (5) years after its assets and affairs became <u>custodia legis</u>, where the documented evidence, and indeed confessions, reveal that Puccini's assets were the subject of massive larceny engineered by KREINDLER & RELKIN, P.C. ["K&R"]?

To prepare an accounting should take no more than two (2) hours, since one can charge KREINDLER & RELKIN, P.C. ["K&R"] and its clients "twice" the amount of <u>all</u> unlawfully dissipated and uncollected assets, as it was they who "conceived" and "engineered" such feloneous larceny (Business Corporation Law §1208)!

K&R, from past performances, can surely find a fixable judge or court, who would permit it to recover, in subrogation or indemnification or some other theory, for the monies it will be compelled to pay Puccini resulting from its engineered larceny!

- b. Is their any question what the disciplinary disposition of this Court, the Court of Conscience, would be, if a "private attorney", without official and judicial influence, conducted himself as does its Receiver, LEE FELTMAN, Esq. ["Feltman"], and his law firm, FELTMAN, KARESH, MAJOR, & FARBMAN, Esqs. ["FKM&F"]!
- c. It is these "criminals with law degrees" who as self-styled "public prosecutors", aided and abetted by corrupt judges, are repeatedly bringing contempt proceedings against your affirmant whose "crime" is that he "exposed" and has the "documented" evidence of judicial misconduct and corruption!

Nothing more!

7a. There is no question that for any criminal proceeding brought in the federal court, and for any criminal proceeding brought in the state court, which may be subject to the XIV Amendment, that absent a plea of guilty, as a matter of ministerial compulsion, every court and every judge must, afford one a trial before he can be convicted, sentenced, and incarcerated!

- b. There is no question that the convictions and incarcerations of affirmant and SAM POLUR, Esq. ["Polur"], without a trial, was for the demented purpose of extortion and blackmail, as the document of November 4, 1985 reveals, a copy of which was recently obtained by your affirmant.
- members of this Court knew of such demented scheme when they refused to stay the incarcerations of affirmant, Polar, and Hyman Raffe! The evidence also available to your affirmant reveals that this Court also knew before it heard argument on the appeal from the Orders and Judgment of Mr. Justice DAVID B. SAXE that a clearly corrupt, illegal, and unlawful agreement had been extorted from Hyman Raffe, and the general unlawful conduct of this Court, was to advance such criminal extortion and blackmail!

Consequently, members of this Court find themselves as named defendants and respondents in civil actions and proceedings; potential witnesses wherein the "criminals with law degrees" are defendants; and witnesses wherein affirmant is, morally and ethically clean, if not immaculate, but nevertheless, being charged with professional misconduct, hearings on which have already been scheduled!

8a. On October 10, 1985, in the disciplinary proceedings, there was served upon Presiding Justice FRANCIS T. MURPHY; Justice Presiding, THEODORE R. KUPFERMAN; Hon. JOSEPH P. SULLIVAN; Hon. ARNOLD L. FEIN; Hon. BENTLEY KASSAL; and Hon. ERNST H. ROSENBERGER, the following demand:

"Pursuant to Brady v. Maryland (373 U.S. 83); United States v. Agurs (427 U.S. 97); and statutes and decisions of similar import, it is respectfully requested that individually you shall forward the information hereinafter requested to ROBERT H. STRAUS, Esq., Attorney for the Grievance Committee, at 210 Joralemon Street, Brooklyn, New York, 11201, for appropriate disposition.

1a. Are Your Honors aware of any decision or opinion, anywhere in the United States, which Your Honors, individually, consider authoritative since Bloom v. Illinois (391 U.S. 194) which holds that a person may be convicted, sentenced, and incarcerated for non-summary criminal contempt, absent a plea of guilty, without a trial?

- b. If the response is in the affirmative, set forth that or those decisions or opinions.
- 2. Set forth any and all ex parte communications regarding the affirmances of the convictions of GEORGE SASSOWER, Esq., which are or may be proscribed by Canon 3 of the Code of Judicial Conduct, including to or from Hon. Xavier C. Riccobono or on his behalf.
- Set forth any vindicating, exculpatory, or mitigating circumstances regarding the facts aforesaid convictions, including the assertions made that (1) Lee Feltman, Esq. and Feltman, Karesh & Major, Esq., are conducting themselves contrary to the legitimate interests of Puccini Clothes, Ltd., their judicial trust; Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C., are acting contrary to the legitimate interests of their clients; (3) Senior Assistant Attorney General David S. Cook, Esq., is representing members of the judiciary and simultaneously the statutory representative of Puccini Clothes, Ltd; and (4) Kreindler & Relkin, P.C. engineered the unlawful dissipation of the assets of Puccini Clothes, Ltd., after June 4, 1980."
- b. According to Robert H. Straus, Esq., no response was made to the aforementioned demand from the aforesaid members of this Court, as well as a similar demand served upon Mr. Justice ALVIN F. KLEIN and Mr. Justice DAVID B. SAXE!

does not inure to esteem of this Court to say the least, nor should their forthcoming testimony by the aforementioned members in public session (Matter of Capoccia, 59 N.Y.2d 549, 466 N.Y.S.2d 268), under affirmant's examination or cross-examination while simultaneously sitting in judgment of him comport with fundamental fairness!

JUDGE JAMES H. PECK IS ALIVE AND WELL

IN THE FIRST DEPARTMENT

d. More than one hundred and fifty (150) years ago:

"... James Buchanan brought in a bill which became the Act of March 2, 1831. He had charge of the prosecution of Judge Peck and during the trial had told the Senate: 'I will venture to predict, that whatever may be the decision of the Senate upon this impeachment, Judge Peck has been the last man in the United States to exercise this power, and Mr. Lawless has been its last victim.' "(Nye v. United States, 313 U.S. 33, 46).

There are no authoritative decision in the Federal Courts, for the more than one hundred and fifty (150) years, wherein a defendant was convicted, sentences, and incarcerated without a trial for non-summary criminal contempt, without a plea of guilty!

Judge Peck was the last federal tyrant to exercise such power under the aegis of non-summary contempt, and the attorney, Mr. Lawless was, indeed, the last victim, as James Buchanan predicted!

Since <u>Bloom v. Illinois</u> (391 U.S. 194), wherein non-summary criminal contempt in state courts was placed under the protective umbrella of the XIV Amendment, there are no authoritative decisions wherein, the conduct of Judge Peck was revivified.

In short, absence a plea of guilty, as a matter of ministerial compulsion, every american judge and every american court, must afford an accused a trial for non-summary criminal contempt, wherein the accused has his constitutional criminal rights, including his right of confrontation.

Despite the aforementioned blackletter law of constitutional magnitude, the petitioner was twice convicted, sentenced, and incarcerated by Orders of the Supreme Court, New York County, without benefit of trial, for purportedly violating an Order of Mr. Justice IRA GAMMERMAN, which inter alia, does not even recite the Gammerman Order to have been lawful, assuming arguendo that petitioner violated same, which he denies.

Thus, if Judge James H. Peck faced impeachment charges for his conduct, a good argument could be made for similarly impeachment proceedings against members of this Court, Mr. Justice Klein, and Mr. Justice Saxe.

- e. Indeed, the uncontroverted facts reveal, supported by effective confessions, that the Gammerman Order(s) were and are unlawful and invalid, and indeed, are a manifest nullity, obtained as a result of "extrinsic fraud" (United States v. Throckmorton, 98 U.S. 61; Shaw v. Shaw, 97 A.D.2d 403, 467 N.Y.S.2d 231 [2d Dept.]; Tamimi v. Tamimi, 38 A.D.2d 197, 328 N.Y.S.2d 477 [2d Dept.])!
- f. The evidence is clear and uncontroverted that the Order of Mr. Justice GAMMERMAN was merely pre-text for petitioner's convictions and incarcerations, and for the purpose of judicial extortion and blackmail!
- 9a. There is no question that as an attribute to "due process" constitutional guarantees, a litigant, especially in a contempt of court case, is entitled to a neutral and detached magistrate.

This Court either by design or gross b. indifference to petitioner's fundamental rights made a non-consentual reference to the singular disqualified person, to wit., Referee Donald Diamond; where it has never been disputed that he had a "bastard birth" in the Puccini litigation; who is nothing less than the "private whore" of the K&R and FKM&F firms; who holds session in a "non-public courtroom" (In re Oliver, 333 U.S. 257); who even excludes the accused from his "secret sessions" with his patrons; who consistently destroys, secrets, and does not file judicial papers with the County Clerk; who believes that an emolument of his appointive office is "fixing" and improperly influencing justices of the court; who openly engages in extortion, blackmail, and other criminal conduct, in order to "service" his criminal patrons; who contrary to the "speedy trial" concept delayed hearings from May 21, 1985 to December 9, 1985 [more than six months]; then took affirmant's default when the notice of hearings for Monday, December 9, 1985 was given on Friday, December 6, 1985, and when he knew affirmant had at least one engagement in Westchester County; and who otherwise has consistently acted "without the law" in the most barbaric manner.

c. More than six months after the Orders of this Court, Referee Diamond set down the hearings for December 3, 1985. It was never held that day, for as affirmant wrote on December 4, 1985:

"Donald F. Schneider, Esq. Feltman, Karesh & Major, Esqs. 55 East 52nd Street, New York, New York, 10055

Re: Puccini Clothes, Ltd.

Dear Mr. Schneider,

- 1. I received your letter of this date, by personal delivery, at about 5:00 p.m., and hasten to respond.
- 2. The inverted clauses in your letter notwithstanding, only you and your colleagues at the Kreindler firm, have the genius to contrive so much in four (4) short lines of text!
- 3a. As you, Ms. Brennan, Mr. Gerstein, Mr. Goldstein, and Mr. Postel saw with your own eyes, I was in the corridor outside the non-public courtroom of Referee Donald Diamond, on December 3, 1985, before 1:00 p.m.; 1:10 p.m.; 1:20; 1:35 p.m., and finally I left at 1:40 p.m., after I was refused admittance to Referee Diamond's Courtroom by the desk officer.
- b. To assure that once again you do not enter into a joint conspiracy and claim that I was not there, as you apparently have, in your letter, I was sufficiently prescient to have the desk officer write his name on a piece of paper in your presence to confirm my attendance.
- "did not appear at 1:00 p.m.", is just another one of your self-serving fabrications.

- d. Furthermore, I do know how I could simultaneously "not appear" and "request an adjournment" from Referee Diamond, who never did emerge from his sanctuary during that period of time that I was there, and thus did not see. Neither, did he even extend the courtesy of advising the desk officer how long we would have to wait, which is essentially his general practice, as I know it!
- 4a. You can remind Mr. Diamond when you or Mr. Gerstein telephone him at his home, that each and every time he schedules a hearing or conference, I am always kept waiting in the hallway from between 15 minutes to one and one half hours, whether he is, or is not, otherwise engaged.
- b. Never again will I wait an inordinate length of time in the corridor, only to spend fifteen seconds in the Diamond "courtroom" -- just long enough to read Judiciary Law §4, before being evicted from his courtroom and/or the entire building!
- I am in the process of training my parrot to recite Judiciary Law §4 and Diamond's obligation to unrepresented witnesses regarding their rights against self-incrimination, so it can then fly out of the building, without the necessity of an offical escort, thus dispensing with the necessity of my personal appearance for such purpose and conserving the time and energies of the court officers!
- 5. This was a hearing ordered in May 1985 -- and it took you and Diamond six months to schedule it, because that suited your purpose. Now, because your plan has changed, everything is on a two day notice basis!
- since the "eyeball to eyeball" confrontation requirement under the 6th Amendment of the Constitution of the United States, and Article 1 §6 of the Constitution of the State of New York, is in a "public" courtroom, before the

judicial officer or jury which determines the guilt, not a lackey who was designated by Administrative Judge Xavier C. Riccobono, after ex parte communications by your firm and those on your behalf, to conceal the corruption that you were and had been engaged in!

- b. Since the Chief Administrator, Hon. Joseph W. Bellacosa, is a person having some authoritative knowledge of criminal law, he might deem it appropriate to make provision for <u>public</u> proceedings, so that defendants might have the protection of having the media witness this corrupt judicial circus, where criminal convictions, sentences, and incarcerations take place, without trials, and then if you pay the demanded ransom, the crimes and/or criminal proceedings are compounded and/or terminated!
- c. The public knows about the hijacking of planes, about the hijacking of ships, let them know how you and the Kreindler firm have hijacked the judicial system!
- I want the media to inquire as to the constitutionally propriety in sending out 200 subpeonas, with restraining notices for twice the amount of a judgment, or 400 times of an easily collectable judgment, and similar practices, and then when I contend that such procedure is unconstitutional and tortious, how I could be convicted, sentenced, and incarcerated, without a trial, by one of your stable of fixable judges, who totally disregarded a plea of "not guilty, double jeopardy, and invidious and selective discriminatory prosecution", in the process is beyond me and every other prisoner in the Bronx House of Detention!
- b. I want the public to inquire about your ability to levy on bank accounts, without judgments, and then threaten to incarcerate, if any legal action is taken to vacate same!

- about your ability in having the Sheriffs' office to disobey judicial mandates to arrest and incarcerate, but instead to pervert such process so that they merely harass and threaten to arrest and incarcerate unless civil litigation is settled!
- d. I want the public to inquire about your ability in having judicial papers destroyed in the "Diamond paper crematorium" and orders signed, which are about 180°, different from the underlying decision.
- e. I want the public to know that I was incarcerated twice, without a trial, without any confrontation rights, without even my presence, when the practices of the Klu Klux Klan was to give their untried victims a [drumhead] trial.
- 8a. Your advise that proceedings would take place at 10:00 a.m. on December 9, 1985, is clearly planned to assure my absence, since you know that I will be in Supreme Court, Westchester County that morning with respect to my case with Mr. Postel, who was with you!
- b. Furthermore, I desire at least two weeks notice, so that I will have sufficient time to advise the United States Department of Justice, the District Attorney, the Office of Court Administration, the media and others of such hearings, so that they might be afforded the opportunity of attending.
- c. At such hearings, I intend to subpoena the judicially entrusted financial books and records of Puccini Clothes, Ltd., so that others might instantly see that you and your criminal co-conspirators have made the "Harding Ohio Gang" look like pikers!

Almost six years without any accounting, final or intermediate, of a judicial trust fund, is totally unacceptable, particularly since grand larceny was confessed in judicially filed affidavits by the Arutt firm in January 1984 and by the Kreindler firm three months later!

- Let the media see "criminals with law degrees", financed by judicially entrusted assets have unlawfully become "self-styled public prosecutors" (see Polo Fashions v. Stock Buyers, 698 F.2d 698 [6th Cir.]); how Diamond employs his office as your "corrupt fixer" with other jurists; how Diamond destroys judicial papers and documents that do not meet his fancy; how "pay-offs" take place in Diamond's courtroom; how Diamond, sua sponte, imposes or attempts to impose herculian fines and penalties of hundreds of thousands of dollars without a summons, without a motion, without a trial, without a hearing, without anything, except pure whim and outright extortion!
- e. You may have gotten a nisi prius order, by ex parte corrupt methods, which prohibits me from communicating with Grievance Committee, but I intend to sing real loudly to various federal and state authorities and want them to see and hear with their own eyes and ears, matters which can hardly be otherwise be believed!
- 9a. You, Feltman, Relkin, Gerstein, and Diamond, are engaged in "criminal conduct" of the most egregious nature, as that word is exactingly employed in the english and legal languages and should be punished according to law.
- b. You can be assured when that day arrives, and it will arrive, my voice will be the loudest demanding that you receive a fair and public trial, and enjoy every right and privilege afforded by law and civilized men!

10a. Instead of going to see Diamond monday, bring Puccini's books to Judge Bellacosa, it should take any half-blind employee of his about five minutes to recognize the monumental larceny that took place of judicially entrusted assets over an 18 month period! I am reasonably certain Judge Bellacosa will be able to find some employee who could accommodate you for five minutes, and without waiting in the corridor for one hour. I am also reasonably sure that Judge Bellacosa will give you several days to think up some reason why you did not recover such diverted assets on behalf of the judicial trust, and indeed concealed same, causing a judgment of almost \$500,000 against it! "Fixing" and corrupting judges is not a recognized procedure in my universe, and never will be! truly Very yours, GEORGE SASSOWER GS/h Hon. Joseph W. Bellacosa Mr. Hyman Raffe Thus, the rescheduling of such hearings, in affirmant's absence on December 3, 1985 to December 9, 1985, when they knew that affirmant would be in another county, was a deliberately planned default situation. Where incarceration is the result, only a -20deliberate waiver of the constitutional right to be present, can justify an <u>in absentia</u> hearing (<u>People v. Trendell</u>, 61 N.Y.2d 728, 472 N.Y.S.2d).

10a. Clearly, both as litigants, as as potential and almost certain witnesses, this Court and its members, are constitutionally and by statute are barred from sitting in judgment in this matter, any longer, particularly as it concerns contempt.

- b. It will be affirmant's contention in some of the above litigation that Erdmann (33 N.Y.2d 559, 347 N.Y.S.2d 441) must be revisisted and revised, since "madams" and "pimps" control their "whores", and do not allow themselves to be controlled!
- c. As affirmant wrote on the 501st birthday of Martin Luther, "In the Name of God, Go!" Affirmant repeats those words today!

WHEREFORE, it is respectfully prayed that this application be granted in all respects, without waiving the contention that irrespective of the actions of this Court on this application, its actions are null, void, and without legal effect, with costs.

Dated: February 8, 1986

GRORGE SASSOWER

-21/-

GEORGE SASSOWER, Esq., an attorney, admitted to practice law in the courts of the State of New York, does hereby affirm the following statement to be true under penalty of perjury:

Affirmant has read the foregoing petition and knows the contents thereof.

That the same is true of his own knowledge, except to those statements made on information and belief, and as to thos statements he believes same to be true.

Dated: February 8, 1986

GEORGE SASSOWER

APPELLATE DIVISION : FIRST DEPT.

GEORGE SASSOWER,

Petitioner,

-against-

APPELLATE DIVISION OF THE SUPREME COURT, FIRST JUDICIAL DEPT.

Respondent.

Notice of Petition and Petition

GEORGE SASSOWER

Attorney for petitioner.

Office and Post Office Address, Telephone
283 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606
(914) 328-0440

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir:-Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

19

□ NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for settlement to the HON. one of the judges of the within named court, at

on

19 at **M**.

Dated,

Yours, etc.
GEORGE SASSOWER

Attorney for

Office and Post Office Address
283 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606

To

Attorney(s) for