

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
GEORGE SASSOWER, individually and on behalf of
others similarly situated,

82 Civ
4970
(MJL)

Plaintiff,

-against-

THE APPELLATE DIVISION OF THE SUPREME COURT
OF THE STATE OF NEW YORK, SECOND JUDICIAL
DEPARTMENT and THE APPELLATE DIVISION OF THE
SUPREME COURT OF THE STATE OF NEW YORK, FIRST
JUDICIAL DEPARTMENT,

Defendants.

-----x
The summons and complaint in this action
having been duly and personally served upon the
defendant, APPELLATE DIVISION OF THE SUPREME COURT OF
THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, on
July 30, 1982, as appears by an admission of service on
the summons issued by the Clerk of this Court, and the
time of said defendant to appear and defend herein
having expired, and said defendant not having appeared,
answered, or otherwise defended, and it further
appearing by the annexed affidavit of GEORGE SASSOWER,
Esq., and exhibits annexed thereto that the said default

is willful, deliberate, and inexcusable, and that a Notice of Default was served upon and received by said defendant on September 7, 1982 and filed with the Clerk of this Court on September 8, 1982, and still the said defendant has not responded

NOW, on motion of GEORGE SASSOWER, Esq., attorney for the plaintiff, pro se, it is

ORDERED, that judgment be entered in favor of the plaintiff against the defendant, APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, for the relief sought in the complaint, and it is further

ORDERED, ADJUDGED, and DECREED, that within ten (10) days from the service of a copy of this Judgment with Notice of Entry the APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, and its members, shall disclose to plaintiff in writing all ex parte information involving him; and it is further

ORDERED, that this matter is set down for a hearing for the day of , 1982 in order to ascertain whether this Court should abstain in this matter or what other action should be taken to guarantee plaintiff his federal rights against defendant, THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, and it is further

ORDERED, ADJUDGED, and DECREED, that THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT is hereby restrained from interfering in any way with any attempt made by plaintiff to the free access to the state or federal courts in order to obtain a Writ of Habeas Corpus, and it is further

ORDERED, ADJUDGED, and DECREED, that THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, ^{be restrained} from any and all discriminatory disciplinary prosecution of the plaintiff through its Grievance Committee, and it is further

ORDERED, ADJUDGED, and DECREED, that all vague disciplinary rules enforced by THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, be and the same are declared null and void, and it is further

ORDERED, ADJUDGED, and DECREED, that THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT submit for approval rules of procedure governing disciplinary proceedings within thirty (30) days from service of a copy of this Judgment with Notice of Entry, and it is further

ORDERED, ADJUDGED, and DECREED, that THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT is hereby directed to immediately disassociate itself from all legislative and executive functions which conflict with its judicial function, and it is further

ORDERED that this action against the APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST JUDICIAL DEPARTMENT be and the same is severed and continued.

Dated: New York, New York
September , 1982

U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
GEORGE SASSOWER, individually and on behalf of
others similarly situated,

82 Civ
4970

Plaintiff,

-against-

THE APPELLATE DIVISION OF THE SUPREME COURT
OF THE STATE OF NEW YORK, SECOND JUDICIAL
DEPARTMENT and THE APPELLATE DIVISION OF THE
SUPREME COURT OF THE STATE OF NEW YORK, FIRST
JUDICIAL DEPARTMENT,

Defendants.

-----x
STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

GEORGE SASSOWER, Esq., first being duly sworn,
deposes, and says:

I am the plaintiff in the within action and
submit this affidavit in support of my application for
judgment on default against the defendant, The Appellate
Division of the State of New York, Second Judicial
Department.

1. The said defendant admitted service of the Summons and Verified Complaint on the face of the Summons, a copy of which was filed with the Notice of Default on September 8, 1982. The original admission of service is with the United States Marshal.

2. On the last day for said defendant to appear and answer, I telephoned the Office of the Attorney General, to remind it of such fact, as appears on my letter of August 25, 1982 (Exhibit "A").

3. I then spoke to Honorable IRVING N. SELKIN, Clerk of the Appellate Division, Second Department, who on information and belief spoke to the Office of the Attorney General.

4. I then on August 25, 1982 (Exhibit "A") wrote to the Attorney General, with a copy to the Appellate Division, Second Department, which described the history of the default.

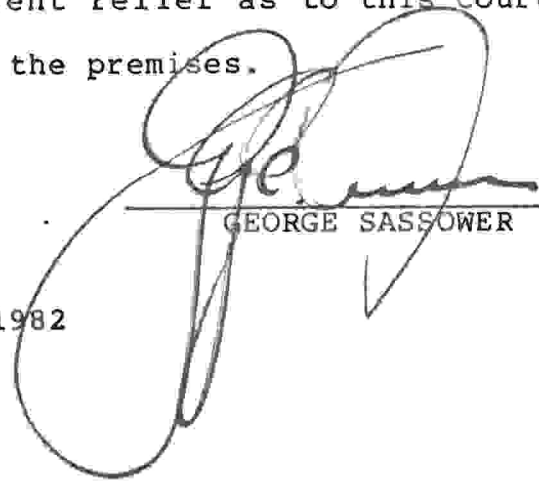
5. I then again wrote to the Attorney General, with a copy to the Appellate Division, Second Department (Exhibit "B"), and still did not receive any response.

6. The Appellate Division, Second Department was then served with a Notice of Default on September 7, 1982, as required by the Rules of this Court (the original with an admission of service being filed on September 8, 1982 with the Clerk of this Court), and still no response.

7. There can be no other reasonable conclusion but that the default by this defendant's attorney is willful, deliberate, and inexcusable.

8. I respectfully request that a Judgment by default be entered as proposed.

WHEREFORE, it is respectfully prayed that a Judgment be default be entered, together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.



GEORGE SASSOWER

Sworn to before me this
11th day of September, 1982



DORIS E. SASSOWER
Notary Public, State of New York
No. 60-345772
Qualified in Westchester County
Term Expires March 30, 1983.

GEORGE SASSOWER

ATTORNEY AT LAW

212 328-0449

255 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606

August 25, 1982

Honorable Robert Abrams
Attorney General of the State of New York
2 World Trade Center,
New York, New York, 10047

Re: Geo. Sassower v. Appellate Division

Honorable Sir:

With respect to the above matter, I telephoned your office last week, as a courtesy, to remind the Assistant handling the matter, that it was your last day in order to interpose an answer.

Not knowing who was handling the matter, I spoke to Stephen Jacoby, Esq., who was handling a related matter and advised him of the purpose of my call.

Instead of being appreciative of the reminder, he treated me very discourteously, refused to identify the Assistant who was handling the matter, and told me that such Assistant would call me later that day.

I have not heard from anyone from your office since that incident, and have not received any answer to the complaint.

Considering that your client, routinely imposes draconian penalties on mere "law office errors", it would be interesting if this matter came before your client for decision.

As almost all attorneys, I almost invariably grant additional time on mere request, without more. Nevertheless, my experience in this and other matters has been that your office just blithely ignores judicial mandates and rules of practice.

In this matter, rather than request relief by default, I telephoned Mr. Selkin and advised him of same. I am reasonably certain that he also communicated with your office with respect thereto. Nevertheless, I still have not heard from your office.

Exhibit "A"

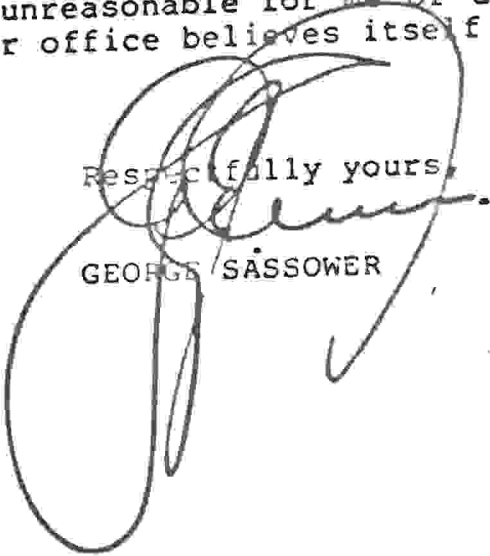
Hon. Robert Abrams

-2-

Aug. 25, 1982

It would not be unreasonable for me or anyone else to conclude that your office believes itself to be a "breed above the law".

Respectfully yours,


GEORGE SASSOWER

GS/bh

cc: Hon. Irving N. Selkin

GEORGE SASSOWER

ATTORNEY AT LAW

214-329-0440

288 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606

September 2, 1982

Honorable Robert Abrams
Attorney General of the State of New York
2 World Trade Center,
New York, New York, 10047

Re: Geo. Sassower v. Appellate Division

Honorable Sir:

I spoke to Honorable Irving N. Selkin, Clerk of the Appellate Division, Second Department, on Friday, August 27, 1982 and he advised me that the above matter was being handled by Amy Juvilier, Esq. of your office.

He also advised me that he had been informed that either she had called me or was going to call me.

I advised Mr. Selkin that if the representation to him was that the said attorney or anyone else had telephoned or written me, such information was incorrect.

In any event, since that time, as before, I have not received any telephone call, any letter, motion, or answer from your office of any kind or nature.

I therefore intend to proceed accordingly.

Respectfully yours,


GEORGE SASSOWER

GS/bh

cc: Hon. Irving N. Selkin

Exhibit "B"

DORIS L. 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:

On September 11, 1982, I served a copy of the within Judgment with Notice of Settlement on The Appellate Division of the Supreme Court, Second Judicial Department, 45 Monroe Place, Brooklyn, New York addressed to said co-defendant at its last known addresses by depositing a true copies of same enclosed in a post-paid properly addressed wrapper in a post office under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: September 11, 1982

DORIS L. SASSOWER

No. 923605

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO	Appellate Div. 2d. Dept.	POSTMARK OR DATE
STREET AND NO.	45 Monroe Place.	
STATE AND ZIP CODE	Brooklyn, N.Y. 11201	
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered With restricted delivery	15¢ 65¢
	2. Shows to whom, date and where delivered With restricted delivery	35¢ 85¢
RESTRICTED DELIVERY		50¢
SPECIAL DELIVERY (extra fee required)		

PS Form 3800
Aug. 1975

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See other side)

☆ GPO: 1975-O-591-482

U.S.D.C.:SOUTHERN DIST. N.Y.

GEORGE SASSOWER, etc.

Plaintiff,

-against-

THE APPELLATE DIVISION OF THE SUPREME COURT, etc.

Defendants.

JUDGMENT with NOTICE OF SETTLEMENT

GEORGE SASSOWER

Attorney for plaintiff.

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 a Judgment of which the within is a true copy will be presented for
settlement to the HON. MARY JOHNSON LOWE one of the judges
of the within named court, at Foley Square,
on September 16th, 1982 19 at 9:30 A. M.

Dated, September 11, 1982

Yours, etc.

GEORGE SASSOWER

Attorney for plaintiff-pro se.

Office and Post Office Address
283 SOUNDVIEW AVENUE

To Appellate Division, Second Department

~~Attorney for~~ co-defendant