

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiff,

82 Civ
4970
(MJL)

-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 served upon the defendant, APPELLATE
DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK,
FIRST JUDICIAL DEPARTMENT, on September 12, 1982, as
appears by an admission of service on the return receipt
of the United States Post Office Department, 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., that the said default is willful, deliberate, and
inexcusable, and that a Notice of Default was served

upon and received by said defendant on October 6, 1982 and October 7, 1982 and filed with the Clerk on October 12, 1982, and still 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, FIRST 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, FIRST 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, FIRST JUDICIAL DEPARTMENT, and it is further

ORDERED, ADJUDGED, and DECREED, that THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST 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, FIRST JUDICIAL DEPARTMENT, is hereby 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, FIRST 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, FIRST 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, FIRST 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

Dated: New York, New York
October , 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,

Plaintiff,

82 Civ
4970
(MJL)

-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)
CITY OF NEW YORK) ss.:
COUNTY OF KINGS)

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, First Judicial
Department.

1. The said defendant was served with a copy of the Summons and Verified Complaint on September 12, 1982, as shown by the United States Post Office Return Receipt and a Notice of Default was served by mail on October 6, 1982 and personally on October 7, 1982, all of which is on file with the Clerk of this Court.

2. In view of the conduct of the Office of the Attorney General with respect to the service made upon the Appellate Division of the Supreme Court, Second Judicial Department there can be no other reasonable conclusion but that the default by this defendant's attorney is willful, deliberate, and inexcusable.

3. 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.

Sworn to before me this
14th day of October, 1982

Kenneth Silverman

KENNETH SILVERMAN
Notary Public, State of New York
No. 24-4608988
Qualified in Kings County
Commission Expires March 30, 1983

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
STATE OF NEW YORK)
CITY OF NEW YORK) ss.:
COUNTY OF KINGS)

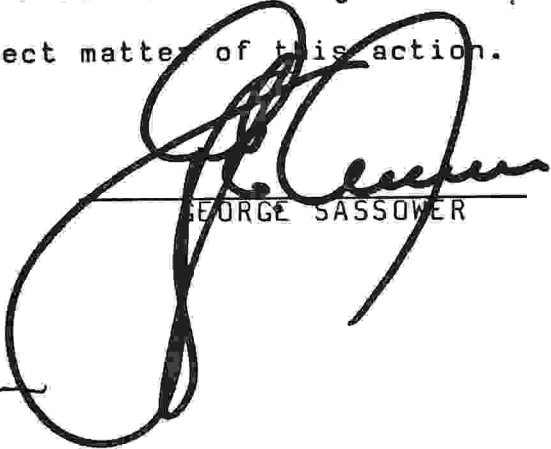
GEORGE SASSOWER, Esq., first being duly sworn,
deposes, and says:

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, First Judicial
Department.

I am familiar with all the facts and
circumstances in the above-entitled action and a member
of the bar of this Court.

I am a citizen and resident of the State of New York, residing at 283 Soundview Avenue, White Plains, New York and plaintiff claims jurisdiction against defendant based upon 28 U.S.C. §1331.

In my opinion, this Court has jurisdiction over the entities and subject matter of this action.



GEORGE SASSOWER

Sworn to before me this
14th day of October, 1982

Kenneth Silverman

KENNETH SILVERMAN
Notary Public, State of New York
No. 24-4608958
Qualified in Kings County
Commission Expires March 30, 1983

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
I, RAYMOND F. BURGHARDT, Clerk of the United
States District Court of the Southern District of New
York, do hereby certify that the docket entries in the
above-entitled action indicate that the summons and
complaint was filed on July 30, 1982; and that the
defendant, THE APPELLATE DIVISION OF THE SUPREME COURT
OF THE STATE OF NEW YORK, FIRST JUDICIAL DEPARTMENT was
served with copies of the summons and complaint on
September 12, 1982, as appears by return receipt from
the United States Post Office Department. I further
certify that the docket entries indicate that this
defendant has not filed an answer or otherwise moved
with respect to the complaint herein; and that the time

to answer or move with respect to the complaint has expired. The default of this defendant is hereby noted.

Dated: New York, New York
October , 1982

CLERK

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 Appellate Division: Supreme Court: First Judicial Dept.

XXXXXXXXXX co-defendant
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

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NOTICE OF SETTLEMENT

that an order 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 Judgment Clerk
on October 20, 1982 at 3:30 P.M.

Dated, October 15, 1982

Yours, etc.
GEORGE SASSOWER
Attorney for plaintiff.

To Appellate Division, First Dept.
XXXXXXXXXX co-defendant.
Attorney(s) for

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