CIV 1 (Rev. 10/82)

SUMMONS IN A CIVIL ACTION

United States District Court

DISTRICT: EASTERN DISTRICT OF NEW YORK

DOCKET NO. CV-86-3797

GEORGE SASSOWER, individually etc.,

Plaintiff,

V.

VINCENT G. BERGER, JR., et el.,

TO: (NAME AND ADDRESS OF DEFENDANT)

MISHLER, J.

YOU ARE HEREBY SUMMONED and required to serve upon

PLAINTIFF'S ATTORNEY (NAME AND ADDRESS)

GEORGE SASSOWER, Esq.
51 Davis Avenue,
White Plains, New York, 10605

an answer to the complaint which is herewith served upon you, within
days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK

ROBERT C. HEINEMANN

(BY) DEPUTY CLERK

DATE

07 NOV 1986

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER, individually and as trustee of the trusts created by EUGENE PAUL KELLY, and by his Estate, and those similarly situated, or to be benefited thereby,

Plaintiff,

File #

[ ]

-against-

VINCENT G. BERGER, JR.; ANTHONY MASTROIANNI; Surrogate ERNEST L. SIGNORELLI; CHARLES Z. ABUZA; Hon. HARRY SEIDELL; RICHARD C. CAHN; ROBERT M. CALICA; MARTIN B. ASHARE; THE SURROGATE'S COURT OF THE STATE OF NEW YORK, COUNTY OF SUFFOLK; THE SHERIFF OF SUFFOLK COUNTY; Hon. SOL WACHTLER; Hon. JOSEPH W. BELLACOSA; Hon. MILTON MOLLEN, individually and on behalf of the APPELLATE DIVISION OF THE SUPREME COURT, SECOND JUDICIAL DEPARTMENT; Hon. MOSES M. WEINSTEIN; Hon. ISAAC RUBIN; and Hon. BURTON S. JOSEPH,

Defendants.

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"thieves for their robbery have authority, when judges steal themselves" (Shakespear's Measure for Measure, 2:02, 175).

Petitioner, complaining of the respondents, respectfully sets forth and alleges:

1a. The jurisdiction of this Court is invoked pursuant to the provisions of Title 28, United States Code, §§1331, 1343, this being a suit in law land equity, authorized by Title 42, United States Code §1983., et seq., and brought to redress the deprivation of federal rights by federal and state officials, and the deprivation under color of state law, statute, ordinance, regulation, custom or usage of rights, privileges, and immunities

secured by the Constitution and laws of the United States and Acts of Congress providing for equal rights and due process of citizens and persons. The rights here sought to be redressed are rights guaranteed by the due process and equal protection clauses of the XIV Amendment of the Constitution of the United States.

b. The matter in controversy, exclusive of interests and costs, exceeds $10,000.

AS AND FOR A FIRST CAUSE OF ACTION TO DECLARE NULL, VOID, AND OF NO EFFECT, ALL CRIMINAL CONTEMPT PROCEEDINGS AGAINST PLAINTIFF, AND AGAINST THOSE SIMILARLY SITUATED, WITHOUT PREJUDICE TO ANY CLAIM TO DAMAGES BY REASON OF SAME, AND TO COMPEL HON. SOL WACHTLER, HON. JOSEPH W. BELLACOSA, AND/OR HON. MILTON MOLLEN TO PROHIBIT, AND/OR BY APPROPRIATE REGULATIONS, TO STRICTLY CONTROL THE PRIVATE PROSECUTION OF NON-SUMMARY CRIMINAL CONTEMPT PROCEEDINGS SO AS TO CONFORM TO CONSTITUTIONAL STANDARDS.

2a. For almost ten (10) years, the petitioner and his family, have been harassed in bad faith by most of the defendants, the primary vehicle being three (3) non-summary criminal contempt proceedings issued from Surrogate's Court, Suffolk County, against the plaintiff, privately initiated, prosecuted, and controlled, as the lawful prosecuting authorities have refused to initiate or prosecute any criminal proceedings against the said plaintiff.

b. These non-summary criminal contempt proceedings, were all initiated and prosecuted on the knowingly false and perjurious assertions by VINCENT G. BERGER, JR., Esq. ["Berger"], the campaign manager of Surrogate ERNEST L. SIGNORELLI ["Signorelli"], and his client, ANTHONY MASTROIANNI ["Mastroianni"], the Public Administrator, who is appointed by

the Surrogate, accusing plaintiff of having "wilfully refused to turn over the books and records of the ESTATE OF EUGENE PAUL KELLY ['Estate']", pursuant to a, "without notice", Signorelli ukase in March 1977, purportedly removing him as such executor.

c. Based upon admissions and confessions of the defendants, Signorelli, Mastroianni, and Berger, after about twenty (20) full days of hearings, in late 1981, wherein plaintiff was resoundingly vindicated, it was determined that immediately after plaintiff's notice to appeal to the Appellate Division, Second Judicial Department was dismissed, and leave to appeal from such "without notice" ukase denied, by that Court, and before the first contempt proceeding was initiated against him, plaintiff did, in fact, turn over all such books and records to Berger and Mastroianni.

d. Recently, in hearings held before the defendant, Hon. BURTON S. JOSEPH, who upon objection, ruled himself not bound by the 1981-1882 hearings and determination, confirmed by the Appellate Division, First Department, independently also found that plaintiff had turned over all of the Estate books and records before the first contempt proceeding.

e. Furthermore, by happenstance, during such recent hearings, it was discovered that since 1977 Mastroianni and Berger had in their actual possession the books and records of ALBERT BARANOWSKY ["Baranowsky"], the accountant for EUGENE PAUL KELLY during his lifetime, who had died prior to the 1981 hearings. These Baranowsky books and records were never in the

possession or control of the plaintiff, and their possession by Mastroianni and Berger had heretofore been deliberately concealed from all courts and judges, except Signorelli, and perhaps the defendant, Hon. HARRY SEIDELL ["Seidell"].

f. The findings in the extensive 1981 hearings, were also to the effect that despite the failure of Berger and Mastroianni to have the Baranowsky books and records, it did not prevent them from administering the Estate to its conclusion, a fact which they did not dispute at that time, or anytime thereafter.

g. Independently, Hon. BURTON S. JOSEPH came to the same conclusion, augmented and irresistibly compelled by the happenstance discovery that Berger and Mastroianni, since 1977, had in their possession and control the Baranowsky books and papers and other disclosures, not heretofore known.

h. Nevertheless, these criminal contempt proceedings, by these "self styled public prosecutors", and those associated with them, still continue unabated, on collateral issues, to wit., whether plaintiff intentionally waived his constitutional right of confrontation by being actually engaged in the midst of trial, in another court, where the 1978 perjurious accusation was and is that plaintiff "wilfully failed to turn over the Estate books and records"!

i. The entire harassing scenario, irresistibly compels the conclusion, never otherwise denied in recent years, that all these criminal contempt proceedings, and the related habeas corpus and disciplinary proceedings, are nothing but bad faith harassment, by nisi prius and the Appellate Division, Second Judicial Department ["App. Div. 2d"], not and never intended to adjudicate plaintiff's guilt, vel non, but to compel him to succumb; to keep silent about judicial misconduct; and/or to portray him as a pariah, not worthy of belief, so as to attentuate any public disclosures he made or might may desire to make.

3a. In the past ten (10) years, plaintiff has been a incarcerated victim five (5) times for non-summary criminal contempt; each time without a trial, although ministerially constitutionally compelled; each time without any pre-trial rights; each time initiated and controlled by private adversarial counsel; each time, without recognition that the private adversarial counsel had a duty to disclose exculpatory information; each time adversarial counsel being paid or intended to be paid from seemingly inexhaustible financial resources on a time basis; each time, not by a separate proceeding, but within the action or proceeding itself; each time by a jurist constitutionally disqualified to preside on such contempt proceedings; and each time by a total disregard of all criminal due process and equal protection and other constitutional rights.

b. Additionally, since contempt prisoners, have their sleeping quarters in separate cell blocks, plaintiff has become, as a result thereof, very familiar with the histories of many other contempt "victims", and can speak with some special authority on the subject.

c. In short the time has come for the defendants, Hon. SOL WACHTLER, Hon. JOSEPH W. BELLACOSA, and Hon. MILTON MOLLEN, and others in authority, to recognize that non-summary criminal contempt is a criminal proceeding, protected by the XIV Amendment of the U.S. Constitution, and must be administered accordingly, both at nisi prius and at the appellate levels, to conform to the "supreme law of the land", which is not judicial corruption, judicial misconduct, and/or the concealment thereof, or intended to be employed to impair the constitutional right, if not obligation, of attorneys to speak about judicial misconduct, particularly when it affects their clients and trust, who they are duty bound to protect, with "zeal".

4a. There are special problems related to criminal contempt proceedings, some having received theoretical legal recognition, e.g., the higher standard for constitutional judicial qualification (In re Murchison, 349 U.S. 133, 136; Bloom v. Illinois, 391 U.S. 194, 202; cf. Aetna v. Lavoie, U.S. , 106 S.Ct. 1580, 89 L.Ed2d 823), but seldomly practiced, where judicial corruption or egregious conduct is involved.

b. Some special problems, peculiarly related to contempt proceedings, have not been recognized e.g., the complete unavailability of federal habeas corpus relief, prior to completion of the short term sentence; the general unavailability of a stay of incarceration, pending an appeal; and the right of attorneys to a jury trial, since it is considered a "serious crime", according to the various rules of the Appellate Division.

5a. The invariable state practice is that non-summary criminal contempt is initiated and totally controlled by private counsel and/or a manifestly disqualified jurist (cf. Polo Fashions v. Stock Buyers, 760 F.2d 698 [6th Cir.], amicus invited, U.S. , 106 S.Ct. 565, 88 L.Ed2d 550), wholly uncontrolled by a constitutionally proper jurist or court (cf. U.S. ex rel. Vuitton v. Klayminc, 780 F2d 179 [2d Cir.]), and never is there any procedure or recognition of basic criminal rights, even when demanded (cf. United States v. Agurs 427 U.S. 97, 106). Indeed, because of special factors, private adversarial counsel are more prone to, and do, resort to outright perjurious testimony and spurious documentation (Brady v. Maryland 373 U.S. 83) in such contempt proceedings.

b. In no case in which plaintiff is familiar with, reported or unreported, is there more than a glimmer of state recognition by bench or bar of the problems, constitutional or otherwise, involved (cf. People v. Sickle, 13 N.Y.2d 61, 242 N.Y.S.2d 34, concurring opinion, [at 65, 37]; Reed v. Sacco, 49 A.D.2d 471, 475, 375 N.Y.S.2d 371, 376 [2d Dept.]).

c. Indeed, few, if any private lay clients, would or could understand and tolerate being billed for investigating or disclosing information designed to exonerate, rather than convict!

6a. In short, the time has come when it must be recognized by defendants, Hon. SOL WACHTLER, Hon. JOSEPH W. BELLACOSA, and Hon. MILTON MOLLEN, that they must administratively promulgate rules and regulations so as to meet federal constitutional standards in non-summary criminal contempt proceedings.

b. The sentences, when convictions are obtained, are sufficiently short, the fines generally sufficiently meaningless, that extended judicial procedures, by appellate or collateral review, is an exercise in the academic, at high cost.

c. Furthermore, as will be shown herein, criminal contempt, where the judiciary is directly involved, is employed with its half-sisters, "attorneys' fees" and "injunctions", to infringe upon the constitutional right of free speech, access to the courts for relief, and is intended to, and does, abrogate and discourage a citizen's and attorney's obligation to report and/or expose judicial misconduct.

* * *

7. The underlying facts at bar, are set forth in some detail, as injunctive relief is sought herein (Middlesex v. Garden State, 457 U.S. 423).

a. From April 1976 to March 1977, by virtue of every one of numerous documents, plaintiff was recognized by everyone, including Signorelli, to be the executor of the Estate, documents which included Certified Copies of Letters Testamentary issued by Surrogate's Court, Suffolk County ["Surr. Ct."] to him, as late as March 14, 1977, a few days before plaintiff was declared to have been removed one (1) year before.

b. Plaintiff, during such intervening year, having found a prospective purchaser for the vacant Estate house, requested permission of Signorelli to enter into such contract. With no one having any objection, or having no other prospective customer, Signorelli, on the record, directed plaintiff to enter into such contract, which he did.

c. A few months later, on the eve of closing of title, and the prospective purchasers ready to move into this vacant house, without warning or notice to plaintiff, contrary to everyone's expressed desires, Signorelli declared that plaintiff had been removed as executor in March of 1976, or one (1) year prior thereto, declared the contract of sale as having been entered into by plaintiff as unauthorized, refused to permit the closing of title, and declared same null and void, except for whatever damages the prospective purchaser might obtain against plaintiff for such unauthorized act.

d. Signorelli, at the same time, totally ignored the designation of DORIS L. SASSOWER, Esq., as alternate executrix, and instead appointed Mastroianni, whose attorney was Berger, Signorelli's politician campaign manager.

f. Sassower thereafter, on one of his visits to Surrogate's Court, turned over to Mastroianni some of the documentation he had with him at the time, and on June 15, 1977, turned over to Berger the balance.

The transcript of June 15, 1977, when both plaintiff and Berger were present, reveals professionalism by both of them, the lack of animosity, if not congenial cooperation.

g. During the week that followed, there was one letter from Berger to plaintiff, which did not evidence any gathering storm, and a telephone call from plaintiff to Berger's office, admittedly received, with an offer of aid, if needed.

h. On June 22, 1977, one week after the turnover had been completed, (1) without any accusation; (2) without any notice of a hearing or trial; Signorelli, (4) tried; (5) convicted; and (6) sentenced plaintiff to be incarcerated for thirty (30) days, all in absentia, for an alleged contempt, falsely asserted to have been committed in "Signorelli's immediate presence" in not turning over the Kelly books and papers, when in fact plaintiff was about one hundred (100) miles away at the time.

i. Albeit convicted and sentenced, the Warrant read that plaintiff was to be brought, not to the County Jail, but to Signorelli, for "plea" purposes.

j. The Signorelli entourage did not communicate with plaintiff to surrender, or request the local police authorities to arrest and detain him, to conform to usual practice and governmental economy, but instead had the Sheriff of Suffolk County ["Sheriff"], transgress his jurisdictional bailiwick, by immediately sending two Deputy Sheriffs to Westchester County, very early the following morning, in order to apprehend, arrest, and transport him directly to Signorelli.

k. The many requests by plaintiff to be permitted to present a hastily prepared Writ of Habeas Corpus in Westchester County, or any of the other counties that were passed as plaintiff was abducted to the Signorelli courthouse, were all refused.

l. Consequently, plaintiff demanded that he be incarcerated, as having been convicted and sentenced, so that he could obtain a Writ of Habeas Corpus, rather than be taken to Signorelli, where plaintiff correctly perceived he would not be allowed to present his writ for signature. Such requests to permit plaintiff to present his Writ were all refused.

m. At the Courthouse, plaintiff was kept incommunicado for some time, Signorelli refusing plaintiff's repeated requests that he be permitted to use a nearby public telephone, at his own cost and expense.

n. During the short judicial proceedings that followed, which was transcribed, although plaintiff considered Signorelli a warden, he was calm, but courteously firm in his insistence on either being given a hearing or given access to an appropriate jurist to have a writ of habeas corpus signed.

o. Except as a result of a favorable outcome at a hearing on the merits of the criminal contempt charge or by way of a writ of habeas corpus, plaintiff's freedom was not, in his view, the subject of barter or negotiation!

p. There is no one, known to plaintiff, who has read the aforementioned transcript, who has not found that plaintiff's conduct, during such short hearing was correct, proper, and polite, albeit firm, on the contrary, about everyone, has found Signorelli's conduct to have been reprehensible, if not expressly, then sub silentio.

q. The following testimony, representing Signorelli's conduct, who was an Assistant Assistant Attorney for about ten (10) years; a former County Court Judge, for a similar period of time; and at a time given, an Acting Supreme Court Judge, speaks eloquently:

> "Hon. ALOYSIUS J. MELIA: That was not the question. The question was: Did you believe that he [George Sassower] had a right to advance the 5th Amendment and decline to answer the questions at the point that he interposed the 5th Amendment?
>
> SIGNORELLI: No, I believe he did not have that right."

r. Plaintiff's position as reflected in Berger's time sheets, for the first time produced during the recent hearings before Hon. BURTON S. JOSEPH, although previously demanded, reveals the following:

> "Atty. Sassower made no response except to cite the U.S. Constitution."

s. There is absolutely no support for the statement in Signorelli's sua sponte published diatribe of about nine (9) months later (Signorelli's Published Lie #16) that:

> "When he [George Sassower] persisted in his refusal to comply with the court's order, he was remanded to the Suffolk County Jail to serve his sentence." [emphasis supplied]

t. While plaintiff clearly chose to remain silent, Signorelli, Berger, and Mastroianni, solicited the attendance of a reporter from the Daily News, gave him a private interview in Signorelli's Chambers, and created public myths, inter alia, that plaintiff had possession of the Estate books and records, and that he unlawfully attempted to sell an Estate house, without authorization, and they conducted themselves in a manner that no ethical prosecuting attorney would or should.

8a. At all times, from the moment to arrest until the hearings in 1981, plaintiff, albeit clearly innocent, always asserted his 5th Amendment rights, when those rights were legally available.

b. Signorelli, Berger, and Mastroianni, on the other hand, improperly sought out and inudated and polluted every available forum, including the media, with false, misleading, and prejudicial statements. These self created myths, by default, reached monsterous proportions, and a deficient, if not, corrupt administration of justice, including at App. Div. 2d., continued to perpetuate their existence, in an attempt to conceal Signorelli's misconduct.

c. The burden for paying for such improper and prejudicial statements, and this Captain Ahab pursuit of plaintiff and his family, has fallen upon the modest Kelly Estate and the modest Kelly Trusts in New York County, to the point where both Estate and Trusts have been almost completely exhausted, and where the intended beneficiaries will receive just about nothing, except for those sums that plaintiff has heretofore distributed to them.

d. The Kelly Estate and the Kelly Trusts are "persons" within the meaning of the XIV Amendment of the U.S. Constitution, held and/or administered under "color of law", entitled to due process and equal protection of the law, is an undisputed legal proposition, but in the "Signorelli fiefdom" they are nothing but "judicial fortune cookies", the sincere efforts of Hon. BURTON S. JOSEPH to the contrary notwithstanding, intended to advance Signorelli's personal career or conceal his misconduct.

e. In fact, these and other helpless "constitutional persons", these "judicial fortune cookies", and those like plaintiff, who seek to protect them, the facade of the courthouses read "Abandon all hope ye who enter here"!

f. These "helpless constitutional persons", need to be protected from their their "judicial constables", the courts, their appointees, their administrators, with their insatiable appetites, more than from third parties.

g. Courts, judges, surrogates, and their appointees, who plunder or misuse judicial trust assets, and those who conceal such misconduct, employing their own official office for that purpose, are engaged in criminal conduct, and give "thieves for their robbery ... authority, when [judicial appointees plunder or] steal (Shakespear's Measure for Measure, 2:02, 175), or at least a proposition that one should be able to legitimately assert without judicial punishment, in a society protected by the U.S. Constitution.

h. The judicial charade that followed, at enormous judicial and government expense, purportedly searching for "phantom" books and records, must nevertheless continue, without unabatement, because an unpoliced judicial system must keep alive monster myths, that it itself created, in the hope that plaintiff will eventually succumb from total exhaustion.

i. The only proper and appropriate method of terminating this seemingless endless pursuit, is for its public and official destruction of the myths and those who created them, and a judicial machinery which will prevent its reoccurence, in any other comparable situation.

9a. It should not have taken any American jurist, no more than a few seconds to recognize that such "no accusation", "no notice", "in absentia trial, conviction, and sentence", was jurisdictional and constitutionally defective, in its most quintessential aspects.

b. In any civilized system of law and justice, Signorelli would, and should have, been denounced as a "tyrannical lunatic", and brought to the "bar of justice" for his aforementioned misconduct.

c. Instead it was the plaintiff, the victim, who was caused to suffer about five (5) days of habeas corpus hearings in 1977, and denunciation by the Appellate Division.

d. For five (5) days, the plaintiff, at his own cost and expense, had to go to Suffolk County, spend four (4) days at trial, with the concomitant expense of the state and county, since the County Attorney and the Attorney General was caused to participate therein.

e. A five (5) day judicial charade, when everyone knew, including the County Attorney and the Attorney General's Office, from the very outset, that this Writ had to be eventually sustained, only to find some excuse to conceal Signorelli's barbaric conduct, and that of his designees, and to further victimize the victim.

f. This habeas corpus proceeding was only terminated, and the writ sustained, because plaintiff insisted that Signorelli be compelled to testify, and a federal judge gave a "gun to the head" message to the state jurist.

g. Signorelli, contrary to the vehement position of the Attorney General, his attorney, then employed the clout of his official influence, to have an appeal taken, at government expense, on an issue wherein everyone conceded its total absurdity and frivolity.

h. Signorelli, contended that the 800 hundred year old writ of habeas corpus ad subjiciendum, was not available to the incarcerated plaintiff. Instead, plaintiff, while incarcerated, should have moved to vacate a "phantom" default, and if denied, appeal therefrom.

i. The App. Div. 2d knew, as does every jurist, and indeed prisoner, that in a habeas corpus proceeding, whether the incarcerated victim be "saint" or "sinner" is irrelevant, they are both entitled to their basic procedural constitutional rights by one having the jurisdictional power to incarcerate or detain.

j. Instead of labeling Signorelli, as having tyranically usurped jurisdictional power and authority, and having violated, in every respect, plaintiff's federal constitutional rights, which would have been proper and correct comment, that appellate court gave hospitality to portions of the Signorelli dictated Daily News article and his sua sponte diatribe, both of which have been shown to be false, fabricated, contrived, and misleading, in every respect.

k. Thus, the Signorelli myths gained respectability, and plaintiff was labelled a pariah, which was to infect all subsequent proceedings, contempt or otherwise!

l. Significantly, the Appellate Division, in prejudicially making false statement of facts, which were not in the record, while recognizing that new contempt proceedings were pending, improperly polluted the judicial tribunals thereafter called upon to adjudicate the issues (Sassower v. Signorelli, 65 A.D.2d 756, 409 N.Y.S.2d 762 [2d Dept.]).

10a. The Baranowsky books and records having been transmitted to Mastroianni by the District Attorney of Suffolk County, according to Berger at the trial before Hon. BURTON S. JOSEPH, it must have been in or about July 1977.

b. Consequently, such information was concealed from Hon. GEORGE F.X. McINERNEY, during His Honor's four (4) day habeas corpus proceeding, and every court and judge thereafter.

c. The Baranowsky books and records should have, by themselves, revealed that plaintiff was not withholding any essential financial books or records with respect to either the Estate or the Trusts.

11a. With the District Attorneys of Suffolk and Westchester Counties refusing to charge or prosecute plaintiff for contempt or any other crime or misconduct, Berger, at the cost and expense of the Estate, the "helpless constitutional person", on behalf of himself, Signorelli and Mastroianni, undertook an unbridled course of harassment against the plaintiff and his family.

b. A second criminal contempt proceeding against plaintiff was undertaken, again with the perjurious assertion that plaintiff had "wilfully refused to transmit the Kelly books and records", which prevented the administration of the Kelly Estate.

c. This second criminal contempt proceeding, at Estate expense, clearly intended to produce a default, was dismissed, for technical reasons.

d. It soon became obvious that the factual charges against plaintiff were false and contrived, clearly intended to harass plaintiff so as to conceal the inability of the Signorelli entourage in selling the Estate vacant house, except to the same person, at the same price, and to have the Estate plundered by those, who would advance Signorelli's political career.

e. It was also clear that while the judiciary would not hesitate to abort and expose any misconduct of Congressman or President Signorelli, but as a Surrogate Signorelli, every attempt would be made to conceal his misconduct.

12a. In February, 1978, Signorelli's recusal was compelled by a proceeding in federal court, and Signorelli was permitted to recuse himself, "french style", rather than by an Order of the federal court.

b. Such "act of recusal", was by a "last hurrah", a sua sponte diatribe, dated February 24, 1978, published in the New York Law Journal as a "Decision and Order", but which in fact decided nothing, and ordered nothing!

c. It was a treacherous document, which inter alia designated Presiding Justice MILTON MOLLEN, as his "personal messenger of death", a position which the Presiding Justice accepted.

13a. Significantly, plaintiff's application to have the documents and records in Surrogate's Court preserved, since plaintiff correctly perceived that they would be pruned and destroyed, was met with a federal judicial response which alluded to a cartoon concerning a psychotic.

This same judicial response was made when plaintiff complained that he had the "feeling" he was being followed, which thereafter, upon obtaining copies of the records of the Suffolk County Sheriff's Office, proved to be a understated truism.

b. With such relief intended to protect the integrity of judicial documents, not even being considered, about twenty-five (25) documents, all exculpatory, were pruned and destroyed in preparation for the Disciplinary Hearings, by the Signorelli entourage.

c. Since the destruction by the Signorelli court was "keystone cops fashion", it caused Signorelli and his court to be "hoisted by their own petard" as they simply had forgotten that prior to the pruning and destruction operation, they had given copies of some of such documents to the Grievance Committee.

d. During the hearings before Mr. Justice BURTON S. JOSEPH, the destruction or secretion of official records had reached a level of about ninety percent (90%), but here again, the Signorelli entourage was "hoisted by their own petard", since they forgot to alter the Index Cards to conform to such criminal act.

e. The point is that in litigation wherein the involved parties are the courts or some of their jurists, their ability to create and fabricate judicial operative facts, and prune and destroy exculpatory documents, almost at will, and with complete impunity, creates some special problems in a judicial system, which has as one of its purposes the concealment of judicial misconduct.

14a. It is the third, 1978, criminal contempt proceeding, which clearly reveals an attempt to harass, in bad faith, not only by Signorelli, Berger, Mastroianni, Seidell, but by the Appellate Division, as well!

b. Judicial misconduct and outright corruption, must be concealed, by the judicial hierarchy, at all cost and expense, seem to be "the coins of the judicial realm".

c. There were isolated attempts by individual jurists to otherwise chart the judicial course, but they proved in the totality of the picture, ineffectual and insignificant.

15a. The scenario in Surrogate's Court, had become clearly established, even prior to the third, 1978, criminal contempt proceedings, based again, on this "wilful" failure to turn over books and records, which prevented the administration of the Kelly Estate.

b. The scenario in Surrogate's Court was generally as follows: When plaintiff was hospitalized; or paralyzed; or in the Court of Appeals; or in the Appellate Division, Second Department; or in the Appellate Division, First Department; or in Supreme Court, Queens County, or on elsewhere on trial; or Ms. Sassower was elsewhere engaged, defaults were taken.

c. When plaintiff was present, little, if anything was accomplished.

16a. Instructively and thereafter significant, was when plaintiff was "directed" by Signorelli to return the next day, plaintiff, on the record, advised Signorelli that he was to be actually engaged in the Appellate Division.

b. When Signorelli is involved, he simply does not concern himself with previous engagements in other or higher courts!

c. With clear knowledge that plaintiff was engaged in the Appellate Division, a statement made on the record, in the presence of Berger, Mastroianni, and others, by pretext, again attempting to needlessly involve Ms. Sassower, Berger telephoned her ostensibly to determine plaintiff's whereabouts.

d. As it appears in the published Signorelli diatribe (Signorelli Published Lie #27), the incident is described as follows:

> "Petitioner [plaintiff] failed to appear in court the following day, and a telephone call was received by the court from the petitioner's [plaintiff's] wife, an attorney and his former counsel in this estate. She stated that [George] Sassower could not appear because he was in the Appellate Division on another matter ..."

e. Being actually engaged in a higher court, is not a "failure to appear", particularly when Signorelli was advised beforehand of such engagement, and it was Berger who initially telephoned Ms. Sassower, and not the reverse. The published inversion so as to make it seem that this was the first and unexpected notice of such engagement.

f. Simply stated, Signorelli had deliberately scheduled a matter to take place in Surrogate's Court, for a day, that he actually knew that plaintiff would be elsewhere engaged, and would describe the incident as a default or a failure to appear!

17a. Having been compelled to disqualify himself, the defendant, Seidell, was designated to preside at the third contempt proceeding in 1978 -- still purportedly to compel the turnover of "phantom" books and records.

b. Signorelli assured himself that Seidell would be properly prejudiced in this criminal contempt proceeding, by personally sending him a copy of his sua sponte diatribe.

c. Plaintiff was given about one week's mail notice of such contempt hearing, which was set for March 7, 1978.

d. To maximize the probabilities that plaintiff would not be able to attend because of conflicting engagements, he was not consulted beforehand about such date.

e. Plaintiff knew at the time that Mastroianni was unable to sell the Estate vacant house, except to the purchaser with whom plaintiff had signed a contract, more than one year previously; that such purchaser refused to pay any more than that previously contracted; that on this non-income producing property, Mastroianni from the Estate was paying taxes, insurance, and other maintenance expenses; and that they had all the books and papers necessary to terminate and close the Estate.

18a. The published Signorelli diatribe of February 24, 1978, wherein Signorelli made Presiding Justice MILTON MOLLEN, his "personal water boy", made it a point of no return for all concerned, and led to the "Saturday nite massacre" about four (4) months later.

b. In addition to writing complaint letters to the District Attorneys of Suffolk and Westchester Counties, and about everyone else, in June-July of 1977, Berger had registered a complaint with the Disciplinary Committee.

c. As with every other complaint, plaintiff had very adequately answered, and such answer waited a reply from Berger, which he could not even tender. The complaint was consequently waiting for a routine burial.

d. The sua sponte Signorelli published diatribe was nothing more than a disciplinary complaint, against plaintiff and Ms. Sassower, which should have been privately transmitted to the Grievance Committee, but was instead, simultaneously with publication, was sent by Signorelli, to Presiding Justice MILTON MOLLEN. Presiding Justice MILTON MOLLEN, forwarded it to the Grievance Committee, with a copy of a gracious letter of "thanks" to Signorelli, with "assurance that appropriate action will be taken".

e. The Presiding Justice, blundered incredibly, for instead of sending Signorelli a gracious letter, His Honor should have chastised him for his blatant violation of Judiciary Law §90[10]; advised Signorelli that since His Honor would possibly be thereafter placed in a position to adjudicate such disciplinary proceedings, and he should not have been sent a copy of such complaint; and furthermore, His Honor's office was not intended to be a post office drop box for the Grievance Committee.

f. A complaint sent to the Grievance Committee from the Presiding Justice of "The Citadel", is realistically not treated as a complaint from Berger or a lay person. It was not received and closed, as being without merit, but treated as a ukase to prosecute and persecute.

g. The Signorelli diatribe, was now to become a jihad at the Grievance Committee, having priority over everything and anything, without any regard to time and expenditures of judicial monies. The allocated budget of the Grievance Committee, was, on information and belief, for several years, and for the first time, found to have been exceeded, and additional appropriations had to be made.

h. Against this vast expenditures, plaintiff and Ms. Sassower, two private attorneys, of limited means, had to do battle.

i. When it was all over, the resounding score was 34-0, with leave given to Ms. Sassower to seek sanctions against her prosecutors.

j. While it may have been a personal and professional victory for plaintiff and Ms. Sassower, it was also a resounding victory for the attorneys for the Grievance Committee, who when they recognized facts to be otherwise then as contended, they simply threw in the towel, when not restrained by Signorelli personally from otherwise acting, and the Grievance Committee made no attempt to conceal exculpatory information, to the extent it possessed same.

k. The financial drain caused to plaintiff was also readily recognized by the Grievance Committee, as they permitted him free access to the tremendous transcript, which he did not have to independently purchase.

l. The point is there is a constitutional difference and distinction between a criminal or quasi-criminal proceeding controlled by ethical public prosecutors, and those controlled by private attorneys and parties who have a civil interest in the matter. In other words criminal or quasi-criminal prosecution by adversarial civil parties, is not due process in its constitutional sense!

19a. One only needed one eye to recognize that with the vacant house still in the Estate, the fictitious criminal contempt proceeding was a loaded time bomb, ready to explode in the faces of the Signorelli entourage once a hearing was held. Unquestionably, Berger and Mastroianni never intended to hold any hearings, but needed a scapegoat, and diversionary issues.

b. Consequently, with actual knowledge from Ms. Sassower's telephone call, and plaintiff's affidavit of actual engagement in another court, Seidell, Berger, and Mastroianni, caused to be entered the second criminal conviction for non-summary criminal contempt in absentia, and sentenced Sassower to be incarcerated once more for thirty (30) days.

c. The documents exposed during the hearings before Hon. BURTON S. JOSEPH, reveals that there can be no doubt that both Seidell and Berger, had actual knowledge that plaintiff, being engaged on trial in another court, as a matter of law, did not constitutionally waive his right of confrontation.

d. Plaintiff could not have any possible fear for such hearing, since he had clearly turned over the Estate books and records, eons before. It was Berger and Mastroianni who did not desire such hearing, and never intended to have same had plaintiff been able to appear.

20a. The events of March 7, 1978 are academic, since whether plaintiff waived his constitutional right of confrontation or not, the conviction cannot stand, as having been procured by a perjurious accusation (Brady v. Maryland, supra). Nevertheless, they are relevant as evidence of an attempt to harass, in bad faith, rather than to adjudicate guilt.

b. The essential facts surrounding the events of March 7, 1978, are without dispute.

c. Plaintiff was scheduled to try Green v. Green in Supreme Court, Bronx County on March 6, 1978, and a case in Civil Court, Kings County on March 7, 1978, when he received notice of the hearing scheduled for March 7, 1978.

d. It developed thereafter that the case in Civil Court, Kings County would not be settled, consequently plaintiff prepared an affidavit of actual engagement. When the proceeding in Supreme, Bronx was not concluded on the 6th, as expected, plaintiff simply endorsed, his already prepared affidavit of engagement, so as to reveal his continued engagement in Supreme Court, Bronx County.

e. Notwithstanding actual knowledge that plaintiff was engaged on trial in Bronx County, Seidell signed an Order convicting, in absentia, plaintiff of non-summary criminal contempt, and sentenced him to be incarcerated for thirty (30) days.

f. When the powers in Suffolk County refused to vacate such conviction, and have a trial on the merits, plaintiff offered to surrender at a time convenient to the Sheriff of Suffolk County, at Supreme Court, Westchester, Bronx, or Manhattan, so that plaintiff could obtain an immediate Writ of Habeas Corpus.

g. Instead of accepting plaintiff's offer to surrender, the Sheriff of Suffolk County made numerous and expensive forays into Westchester, Manhattan, and Brooklyn, in an attempt to disparage plaintiff by purportedly seeking to arrest him, as a "fugitive from justice", when in fact they had no such immediate intention.

h. These forays by the Sheriff of Suffolk County and a private party hired at Estate expense, were intending to harass plaintiff and his family, by calling upon neighbors, and others, pretending they desired to apprehend plaintiff a "fugitive from justice"!

i. Such visits to neighbors had a dramatic adverse effect on plaintiff's family, especially on plaintiff's youngest school child, since now her father was a "fugitive from justice" in the eyes of her young classmates.

j. Plaintiff commenced a proceeding to restrain the Sheriff of Suffolk County from transgressing his jurisdictional bailiwick, whereupon one early Saturday morning, after following plaintiff until he was alone, they apprehended him and abducted him back to Suffolk County.

k. When plaintiff attempted to obtain the attention of the New Rochelle police, while being abducted to Suffolk County, an altercation ensued, and with plaintiff handcuffed, the claim was made that he had assaulted one of two Deputy Sheriffs, causing his hospitalization and an extended sick leave.

l. This led to a subsequent assault upon a police official criminal charge, which was thrown out, simply because the Deputy Sheriff had no official status in Westchester County.

m. When Ms. Sassower learned of such abduction, she obtained a Writ of Habeas Corpus from Mr. Justice ANTHONY J. FERRARO, directing the release of plaintiff on his own recognizance, and with their middle daughter they went to Suffolk County Jail, presented such Writ, and instead of releasing plaintiff as ordered, Ms. Sassower and their daughter were also incarcerated. Their incarceration being without food, water or bathroom facilities.

n. While all three (3) Sassowers were incarcerated, an attempt was made to have Mr. Justice ANTHONY J. FERRARO modify his Writ, on information and belief, through the personal intervention of Presiding Justice MILTON MOLLEN. Mr. Justice FERRARO stood fast, and after Mr. Justice FERRARO read the "riot act" to the officialdom in Suffolk County, all three were eventually released.

o. With the Writ properly pending in Westchester County, by ex parte communication, the proceeding to Suffolk such Writ, compelling the plaintiff appealed.

p. All attempts, at all times, to have the ultimate issue of the merits of the contempt proceeding adjudicated, rather than engage in a judicial procedural dance, both before the appeal and after its appellate disposition, were always opposed, although there was never was any issue on the fact that plaintiff was actually engaged in Supreme Court, Bronx County, on March 7, 1978.

q. In the Appellate Division, Second Department, plaintiff's brief, (Sassower v. Finnerty, 96 A.D.2d 585, 465 N.Y.S.2d 543) reads as follows (p. 1):

> "2. Could appellant be constitutionally and legally tried, convicted and sentenced for criminal contempt, all in his absence, the first time the matter was on for a hearing, and while he was legally engaged in the midst of a trial in a higher court?
>
> The Court below held in the affirmative.
>
> 3. Was appellant's legal engagement in a higher court a conscious, voluntary, and deliberate waiver of his constitutional and legal right to be present at trial, conviction and sentence for criminal contempt, as a matter of law, so as to dispense completely with a habeas corpus hearing?
>
> Special Term held in the affirmative.
>
> 5. Was appellant supposed to risk contempt in Supreme Court, Bronx County by abandoning a pending trial in its midst and prejudice appellant's cause in order to appear in Surrogate's Court? [emphasis supplied]
>
> The Court below impliedly held in the affirmative."

r. Page 3 of that same Brief (Statement), reads as follows:

> "Appellant entered a plea of 'not guilty' and requested a plenary trial. ... On March 7, 1978, the first time this matter was on the calendar for a hearing, appellant was in the midst of a trial in Supreme Court, Bronx County before Mr. JOSEPH DiFEDE (Green v. Green). By affidavit, appellant advised the Surrogate's Court of the actual engagement."

s. With everyone, without exception, conceding that plaintiff was engaged as aforementioned, or not having any evidence to the contrary, both at nisi prius or the Appellate Division, and with the Appellate Division having actual knowledge, that plaintiff turned over these books and records about nine months before such contempt proceeding, the irresistible conclusion is that the Appellate Division, was and is also intending to harass, and to disparage plaintiff's credibility, by its published disposition and opinion.

t. If the Appellate Division had any doubt about plaintiff's actual engagement, albeit its undisputed nature, a telephone call or communication to Mr. Justice DiFede or the Administrative Judge could have simply resolved the issue, rather than remand it for a hearing (Johnson v. Zerbst, 304 U.S. 458, 464; People v. Parker, 57 N.Y.2d 136, 454 N.Y.S.2d 967; People v. Trendell, 61 N.Y.2d 728, 472 N.Y.S.2d 616).

u. Thus, now, eight years later, the judiciary and officials in the Second Judicial Department, are still avoiding any trial of the contempt proceeding, on the merits, based upon this 1978 manifestly perjurious accusation! It is a trial which plaintiff now desires, and one which must be conducted according to law, including a "trial by jury", since for plaintiff it has collateral consequences as a "serious crime"; this trial must have a constitutionally acceptable prosecutor; exculpatory disclosures, and plaintiff's full panoply of legal rights.

v. Unless there is, at the minimum, a sworn assertion by anyone that there is a scintilla of evidence, that plaintiff constitutionally waived his confrontation rights, plaintiff's 1978 writ must be sustained, as a matter of law, the bad faith harassing Order of the Appellate Division to the contrary notwithstanding!

AS AND FOR A SECOND CAUSE OF COMPLAINT TO DECLARE NULL, VOID, AND OF NO EFFECT THE PROCEEDINGS BEFORE HON. BURTON S. JOSEPH, ACTING SURROGATE, INSOFAR AS THE KELLY ESTATE AND KELLY TRUSTS ARE CONCERNED.

21. Plaintiff repeats, reiterates, and realleges each and every allegation of this complaint marked "1" through "20" inclusive, with the same force and effect as though more full set forth at length herein, and further alleges.

22. No one, better than plaintiff, can appreciate the impossible task that was thrust upon Hon. BURTON S. JOSEPH, Judge of the Family Court, Nassau County, when he was appointed as Acting Surrogate and Acting Supreme Court Justice in this matter.

23a. His Honor, upon appointment had before him about ten percent (10%) of the Surrogate Court file, given His Honor under the pretense that it was the entire file, all of plaintiff's documents and submissions had been pruned out!

b. Essentially the filed documents which were tendered to His Honor was (1) a 1976 Order, with only the papers of CHARLES Z. ABUZA, Esq. ["Abuza"] in support; (2) the sua sponte Signorelli diatribe; and the (3) the 1980 abandoned accounting prepared by Berger, with the false statement by Berger and Abuza that it was being abandoned because plaintiff did not file any accountings in New York County, when, at the time, there were about seven (7) filed! Plaintiff was obviously not advised of such court appearance.

c. His Honor also had before him, a Mastroianni accounting prepared by his third attorney, RICHARD C. CAHN, Esq. ["Cahn"] which concededly was a copy of the Berger 1980 accounting, up-dated. Included as part of such up-dated accounting was "Schedule J -- Statement of Other Pertinent Facts ...", with its own four (4) page single spaced "diatribe.

d. His Honor had obviously familiarized himself with Sassower v. Signorelli (supra); Sassower v. Finnerty (supra).

e. A surcharge against plaintiff personally was requested in a sum of $72,778.44.

f. Based upon the aforementioned documents and decisions, available to Mr. Justice BURTON S. JOSEPH, prior to the hearings, such requested assessment was absolutely warranted, if not compelled, and plaintiff should have been "drawn and quartered", even before his first appearance!

g. Thus, any and all pre-trial motions, were determined by His Honor under this skewed background knowledge. This included a motion by plaintiff that there be submitted for consideration at such hearing a claim by the Estate against Mastroianni, its administrator and trustee! Sub silentio, based upon the information Mr. Justice JOSEPH had in hand at the time, such relief requested by plaintiff was manifestly "frivolous", and furthermore plaintiff did not represent the Estate.

h. Obviously, also any thought that someone be appointed on behalf of the Estate to protect the Estate's rights against its constables, was also rejected prior to the hearing.

i. With the aforementioned, as the factual presentation prior to trial, it is understandable, but not excusable, that His Honor ignored the almost total absence of Abuza, who represented most of the Estate beneficiaries, in number and amount.

j. "Give the Berger-Mastroianni plunderers, everything they are requesting, they had to deal with plaintiff", was the thrust of Abuza's attitude and statements, and he disappeared, never to return, except for a very brief appearance, at his Honor's direction sometime thereafter.

k. Consequently, during the Estate hearings, neither the Estate nor the beneficiaries were represented.

l. An attorney owes to his clients "zeolous undivided representation", and no less standard of conduct can or should be tolerated in a courtroom, irrespective of the outcome!

m. Any representation of the Estate or its beneficiaries, was simply a result of plaintiff's representation of himself!

24a. The formidably task faced by Hon. BURTON S. JOSEPH, a Family Court Judge, designated by Presiding Justice MILTON MOLLEN as an Acting Surrogate and Acting Supreme Court Justice, was to adjudicate what had been already stated, as fiat, in Sassower v. Signorelli (supra), and to pass on the monetary requests of a Surrogate's appointees, of a contiguous county in the same department, all under the aegis of "the appearance of justice" is simply a needless made impossible assignment.

b. With the Estate and the beneficiaries not represented, plaintiff's fate of a substantial surcharge seemed certain!

25a. About six (6) years previously, Hon. ALOYSIUS J. MELIA, had read the disciplinary complaint against plaintiff, and openly stated, "I have read the petition, you must be punished, but I owe it to myself to give you a fair hearing".

b. Although unexpressed, and unaware of the Melia report, or any exculpatory information, the obvious attitude of Mr. Justice BURTON S. JOSEPH, was about the same, as His Honor was determined to proceed with extreme alacrity.

26a. The charges against plaintiff and Ms. Sassower, went down as dramatically as did the Titanic, with one charge worthy of comment, as relevant.

b. Plaintiff had attempted to obtain agreement between the beneficiaries for a reallocation of the testamentary distribution to avoid an inordinate "tax bite", and consequently delayed filing the tax return.

c. This had caused no loss, by concession, according to Internal Revenue, since interest paid, was offset by the interest earned by plaintiff on such monies.

d. At the hearing before Mr. Justice JOSEPH, the loss claimed, but not proved, was at best minimal.

e. In any event, while plaintiff succeeded in amicably resolving other matters between the beneficiaries and on behalf of the Estate, he did not succeed on this one subject. Nevertheless, everyone concedes that plaintiff in his effort, sought no personal gain and acted in good faith.

f. Consequently, the surcharge of more than $72,000 was doomed, and indeed His Honor, made no surcharge whatsoever against the plaintiff.

27a. His Honor, faced with claims which far exceeded the assets of the assets of the Estate, by "judicial engineering", in the last hour of the proceedings, dragooned the New York County trusts, wherein plaintiff was the trustee, into the Estate coffer.

b. In short, the Trust "constitutional person" was being invaded, when it never was given an opportunity to defend by plaintiff, its trustee, or anyone else.

c. Furthermore, in the pre-decision stage, there was a conflict between the claims being made against plaintiff, personally, and his position as a trustee.

d. Once again, with Abuza, abandoning his position on behalf of its beneficiaries, no one defended the incursions attempted by the Berger plunderers.

28a. There is absolutely no claim of bad faith by His Honor, His Honor was simply pre-orientated incorrectly, and improperly, by Signorelli, App. Div. 2d, and Cahn.

b. On the contrary, as a result of plaintiff's attempt to protect his own interest, the Estate became the incidental beneficiary, as His Honor, sua sponte, without Estate or beneficiary representation, scaled down Berger's claimed fee was cut from $15,000 to $4,000, and the claimed fee of IRWIN KLEIN, Esq. ["Klein"], the personal matrimonial client of Signorelli, and Berger's immediate successor, was cut from $12,500 to $1,000.

c. Had there been no attempt made to surcharge plaintiff, unquestionably these claims would have been accepted, simply because the Estate, a "constitutional person" receives no protection in the judicial forum from those purportedly appointed to protect it, and from the state administration of justice.

29a. All the other expenses claimed by Mastroianni, although they, almost entirely, were referable to the Captain Ahab pursuit of plaintiff and Ms. Sassower, were permitted, under the specious theory that Berger, from plaintiff's conduct [the 5th Amendment], could reasonably conclude that plaintiff was withholding Estate books and records, although His Honor found that this was clearly not the case.

b. His Honor could have only properly come to such conclusion from the prejudicial and erroneous statements made in Sassower v. Signorelli (supra), which obviously came from the Signorelli sua sponte diatribe, and where on a habeas corpus proceeding, was factual matter, even if true, was completely irrelevant.

c. The point is had the Estate or Trust been represented, against the "judicial plunderers", very strong arguments could have been made against all the expenditures. How can one justify an actual Estate expenditures of $168.70, to subpoena, Ms. Sassower, in 1979, to go to Riverhead in search of

some "phantom" books and records? How does one justify a bill of $1,495 to serve an Order to Show Cause on plaintiff, which incidently was never served, when the Sheriff of Westchester County would have served same for under $15?

Indeed how does one justify all expenditures by the Estate after about 1977-1978?

d. On trial, once plaintiff recognized no surcharge could be made against him, he made no attempt to guild the lily?

e. In short, despite the good faith attempts were made by His Honor, particularly with Abuza absent, as to the Estate and Trust, the hearings were a fraud and a mockery of justice, and should be declared null and void!

30a. Insofar, as His Honor tolerated Abuza, as a "phantom" attorney, on behalf of his clients, this type of practice is intolerable and unacceptable, and as to them the proceedings should likewise be a nullity.

b. No american court nor jurist should accept anything less than "zeolous" representation by an attorney!

31a. Indeed, the entire practice in the Signorelli fiefdom, as witnessed by plaintiff, is despicable, as well as manifestly unconstitutional. The practice there made Harding's Ohio Gang, look good!

b. Klein, a matrimonial and criminal attorney, based in Manhattan, was obviously appointed by the Public Administrator of Suffolk County, because he was Signorelli's matrimonial attorney. Billing the Estate for $12,500, where all he could objectively show was an affidavit opposing plaintiff application to expedite the closing of the Estate, is obscene! One need not speculate what Klein would have received had Signorelli presided!

c. The appointment by Signorelli of the Public Administrator, the appointment by Signorelli of the guardians, has such potential for abuse, if not outright and brazen plundering, there cannot be any excuse by the "Court of Conscience" and the judicial administration, not maintaining close surveillance of all activities therein.

d. Annexed herein, is a Notice of Motion dated June 16, 1982, calling for an inquiry of the practices in the Signorelli fiefdom (Exhibit "A"), supported by a two hundred twenty-nine (229) page factual supported affidavit.

e. Such motion was totally disregarded, except for the retribution plaintiff thereafter received!

f. These assets are judicial trust assets, held under "color of law", those who plunder same, are base thieves, and those who aid, abet, and facilitate same, robed or otherwise, are themselves culpable!

g. It is against those judicial plunderers, that "constitutional persons" need "zeolous" representation, without fear that they and their families will be incarcerated, without benefit of trial, or otherwise harassed!

AS AND FOR A THIRD CAUSE OF COMPLAINT TO DECLARE NULL, VOID, AND OF NO EFFECT THE PROCEEDINGS ALL KELLY TRUST, ESTATE, AND RELATED ACTIONS AND PROCEEDINGS, WHERE A FULL AND FUNDAMENTALLY FAIR HEARING OR TRIAL, ACCORDING TO LAW, DID NOT TAKE PLACE.

32. Plaintiff repeats, reiterates, and realleges each and every allegation of this complaint marked "1" through "31" inclusive, with the same force and effect as though more full set forth at length herein, and further alleges.

33a. Plaintiff has not encountered any insurmountable ultimate problems where there has been a full and fair opportunity to litigate, according to law.

b. Thus where a basically fair opportunity was given by Hon. GEORGE F.X. McINERNEY, or by Hon. ALOYSIUS J. MELIA, or by Hon. BURTON S. JOSEPH, no matter how prone they may have been to determine adversely to plaintiff, and in favor of the judicial establishment, the underlying facts was so completely different than as represented by the documents, orders, and opinions, that in each and every hearing, plaintiff [and Ms. Sassower] were resoundingly vindicated.

34a. The problems arose where summary adjudications were encountered, and documents and facts could be fabricated, pruned, destroyed or secreted by the Signorelli entourage.

b. Thus, before Hon. GEORGE F.X. McINERNEY, although the Order and Warrant read that plaintiff committed his act of contempt in the "immediate presence" of Signorelli, in a habeas corpus proceeding, which does not enter the court "in subordination", it was readily apparent that plaintiff was one hundred (100) miles away at the time.

c. Again, before Hon. ALOYSIUS J. MELIA, the entire Sua sponte diatribe, as well as the factual recitation of Sassower v. Signorelli (supra), the First Department decisions and opinions, nisi prius and appellate, were totally destroyed.

d. Similarly, before Hon. BURTON S. JOSEPH, to the extent that there was an adversarial presentation, literally everything which had been previously been disposed of summarily or remained unadjudicated, went down like the Titanic!

e. In short where a judicial system has does not respect the different between fact and fiction; does not respect the integrity of its documents, to the extent that they are massively fabricated, pruned, and destroyed; makes irrelevant factual recitation intended to prejudice subsequent proceedings, all the proceedings become infected with extrinsic fraud, and without a full opportunity to litigate, they are a nullity, and should be so declared.

f. A civilized judicial system cannot exist where a pending habeas corpus proceeding in Westchester County, and is transferred to Suffolk County, because of a telephone call request by Seidell's law secretary to the law secretary of a Westchester Supreme Court Jurist!

g. The fact that such misconduct exists with absolutely impunity, simply cannot continue, if equal protection of the laws, or or any other basic legal concept, is to have any meaning!

h. What would have Hon. GEORGE F.X. McINERNEY done if an attorney prepared a perjurious affidavit, which stated that an act was done in his "immediate presence", when in fact he was one hundred miles (100) away, and led to a subsequent incarceration of the another?

What would have Hon. ALOYSIUS J. MELIA done to a prosecuting attorney who pruned about twenty-five (25) exculpatory documents?

What would have Hon. BURTON S. JOSEPH done to a witness delivered ten percent (10%) of the documents subpoened, after they had been deliberately pruned first?

i. The aforementioned jurist, each showed remarkable independence and courage, nevertheless, their silence spoke eloquently, as all criticism of judicial misconduct was sub silentio, indirectly stated, by their decisions.

i. In view of the inaction of the "Court of Conscience" or the Office of Court Administration, where judicial trust funds are involved, reveals a serious legal and ethical problem which cannot be ignored.

j. There cannot be proper adjudications, when the forum has been inudated with the Signorelli diatribe, the Daily News article, and Sassower v. Signorelli (supra). On the other hand, no one sees the opinion of Mr. Justice McInerney, the Melia Report, the decision of Mr. Justice Joseph, and certainly not the testimony produced resulting from such determinations.

AS AND FOR A FOURTH CAUSE OF COMPLAINT TO ENJOIN THE DEFENDANTS FROM TAKING ANY RETALIATORY ACTION AGAINST THE PLAINTIFF FOR HIS ACTIONS TAKEN HEREIN.

35. Plaintiff repeats, reiterates, and realleges each and every allegation of this complaint marked "1" through "34" inclusive, with the same force and effect as though more full set forth at length herein, and further alleges.

36a. Each and every time plaintiff has resorted to the federal forum for relief from state judicial practices, he has always been met with retaliatory measures from the state tribunals, or some of them.

b. From Signorelli, it was open, arrogant, and brazen, by his actions and also as part of his diatribe.

c. From other state judicial sources it was less marked, but admittedly, existed. Indeed, disciplinary proceedings were undertaken each time I resorted to the federal forum for relief.

d. The state machinery of justice simply cannot be used to retaliate for plaintiff's resort to the federal forum, whether his requests have merit or not. If they are without merit, only the federal forum can impose sanctions, or so plaintiff contends.

37. This Court, as well as every federal court, must protect those who resort to it for protection or relief, however obscure and indirect the retaliatory action may be, and such request is made herein.

AS AND FOR A FIFTH CAUSE OF COMPLAINT FOR MONEY DAMAGES.

38. Plaintiff repeats, reiterates, and realleges each and every allegation of this complaint marked "1" through "37" inclusive, with the same force and effect as though more full set forth at length herein, and further alleges.

39a. Insofar as the Estate, a "constitutional person" is concerned, this Court is requested to appoint a representative on its behalf, who will zeolously take such legal measures against those who were supposedly protecting it, under "color of law", or supposed to advance the Estate interest.

b. Plaintiff will not presume to draw a complaint on behalf of such designee requested, except to state that damages unquestionably will exceed $50,000.

40. Insofar as the named plaintiff is concerned, it would seem more appropriate to draw a complaint in damages after the criminal contempt proceedings have been disposed of, and such request is made herein, which demand will be of a substantial nature, and clearly for more than $10,000.

WHEREFORE, it is respectfully requested that the relief requested herein be granted in all respects, with costs.

GEORGE SASSOWER

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT
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In the Matter of George Sassower, an Attorney and Counsellor-at-Law:

GRIEVANCE COMMITTEE FOR THE NINTH JUDICIAL DISTRICT,

Petitioner,

-against-

GEORGE SASSOWER,

Respondent.

----------x

S I R:

PLEASE TAKE NOTICE, that upon the annexed affidavit of GEORGE SASSOWER, Esq., sworn to on the 16th day of June, 1982, and upon all the proceedings had heretofore herein, the undersigned will cross-move this Court at a Stated Term of the Appellate Division of the Supreme Court of the State of New York, on the 18th day of June, 1982, at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel may be heard for an Order of this Court nullifying all of the disciplinary proceedings against respondent nunc pro tunc, expunging all records of same, and such other, further, and/or different relief as to this Court may seem just and

Exhibit "A"

proper in the premises, including, as incidental to the aforesaid nullification the following relief as part of the fullest possible investigation of the matter:

1. A request to the Honorable Milton Mollen, Presiding Justice of the Supreme Court, Second Judicial Department, that he investigate and forward to this Court such confidential report as deemed proper and appropriate with respect to the allegations contained in this affidavit regarding the alleged misconduct of Surrogate Ernest L. Signorelli and his Court and, in particular, (a) Surrogate Signorelli's alleged violation of confidentiality provisions contained in Judiciary Law §90 with respect to respondent and his wife; (b) all substantiation, if any, for the material contained in such published statement explicitly intended for the recommended disciplinary investigation and prosecution against respondent and his wife; (c) all material information transmitted and withheld, if any, by or on behalf of the Surrogate from the Grievance Committee and its attorneys during all stages of this proceeding; (d) explanation for the absence of filed documents, records, and stenographic minutes taken by official court reporters; (e) the nexus, vel non, between the conduct of the Surrogate and respondent's resort to the courts

for relief; (f) explanation for the deliberate scheduling by the Surrogate and his judicial retinue of court appearances by respondent in Surrogate's Court when he and they knew that respondent was physically incapacitated, elsewhere engaged, and in particular, in the First Department, and for the imposition of punitive action against respondent and his family for being incapacitated or engaged elsewhere; (g) explanation for undue interference or direction by the Surrogate into the practices of the Suffolk County Sheriff's Office, the Office of the State Attorney General, Grievance Committee, and its attorneys (h) explanation and amplification of the testimony given before Honorable Aloysius J. Melia by Surrogate Ernest L. Signorelli; and (i) any and all other matters which the Presiding Justice believes proper and appropriate;

2. A request that the Commission of Judicial Conduct forward to this Court a confidential report containing such information as deemed appropriate and helpful for the disposition of this proceeding with respect to the conduct and testimony of Surrogate Ernest L. Signorelli and his court;

3. A direction that the Grievance Committee, and independently its attorneys, forward to this Court or request Honorable Milton Mollen, Presiding Justice of the Appellate Division, Second Judicial Department, that he direct them to forward to this Court a complete, candid, and comprehensive confidential report of the proceedings against respondent and his wife, Doris L. Sassower, Esq., insofar as they relate to Surrogate Ernest L. Signorelli, his appointees, and the Surrogate's Court, Suffolk County.

4. A request that the Attorney General forward to this Court a confidential report containing such information as deemed appropriate and proper in this matter, and, in particular, all non-privileged conversations had with or on behalf of Surrogate Ernest L. Signorelli and whether, in their opinion, he improperly injected himself in a Habeas Corpus proceeding brought by respondent, and in the appeal therefrom.

5. An Order directing the Sheriff of Suffolk County and the Suffolk County Attorney to forward to this Court a complete, candid and comprehensive report of its activities regarding respondent, and any improper judicial involvement therein, in particular, explaining (1) their repeated forays into Westchester County and New York City in order to arrest respondent when he was amenable to submit to such arrest at the convenience of the Sheriff in the Courthouse of the Bronx, New York, or Westchester counties; (2) their failure to obey a Writ of Habeas Corpus demanding the immediate release of respondent; (3) the incarceration of respondent's wife and daughter, for serving such Writ of Habeas Corpus; and (4) the physical treatment of respondent while he was in its custody.

6. An Order requesting that Honorable Frank A. Gulotta forward to this Court any and all information (or misinformation) conveyed to His Honor by or on behalf of Surrogate Ernest L. Signoorelli regarding the incarceration of respondent.

7. An Order directing Surrogate Ernest L. Signorelli to forward to this Court a duly verified, complete, candid and comprehensive sworn report regarding all of the matters requested of others herein,

together with his involvement or that of his Court, directly or indirectly, in cases in other courts wherein respondent was involved.

Dated: White Plains, New York
June 16, 1982

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for Respondent
283 Soundview Avenue,
White Plains, N.Y. 10606
914-328-0440

To: Gary L. Casella, Esq.
Attorney for Petitioner.
Richard E. Grayson, Esq.
Associated Counsel for Petioner
Hon. Milton Mollen
Presiding Justice of the Appellate Division
Commission on Judicial Conduct.
Surrogate Ernest L. Signorelli
Hon. Frank A. Gulotta
Associate Justice of the Appellate Division
Hon. Robert Abrams
Attorney General of the State of New York

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

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

That I am the plaintiff in the above entitled action and have read the complaint herein.

The same is true to my own knowledge, except as to matters contained therein stated to be on information and belief, and as to those matters he believes them to be true.

GEORGE SASSOWER

Sworn to before me this
6th day of November, 1986

CYNTHIA B. CERNY
Notary Public, State of New York
No. 43-4715524
Qualified in Queens County
Commission Expires March 30 1988

Cynthia B. Cerny

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------x

GEORGE SASSOWER, individually and as trustee etc.,
Plaintiff,

-against-

VINCENT G. BERGER, JR.; et el.,
Defendants.

File No.
86Civ3797
[JM]

----------x

To: Sheriff. Suffolk. Co.

The enclosed summons and complaint are served pursuant to Rule 4(c)(2)(C)(ii) of the Federal Rules of Civil Procedure.

You must complete the acknowledgment part of this form and return one copy of the completed form to the sender within 20 days.

You must sign and date the acknowledgment. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within 20 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the complaint within 20 days. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and complaint was mailed on November 11, 1986.

Helen Sassower
HELEN SASSOWER

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above-captioned manner at

I/Sgt N Gabriel 517
(Signature)

Authority to Receive Process

INTERNAL AFFAIRS SECTION
SUFFOLK COUNTY SHERIFF'S DEPARTMENT

11-12-86
(Date)