

FACT STATEMENT

The events described herein involve the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"] -- "the judicial fortune cookie" -- where by legislative mandate, the Attorney General is the statutory fiduciary and guardian.

1. Puccini was involuntarily dissolved on June 4, 1980, its assets and affairs becoming custodia legis [the custody of the law], at that point in time and ever since.

2. Notwithstanding its dissolved status, it still remains a "person" within the meaning of the XIV Amendment of the Constitution of the United States and the mirrored provisions contained in the New York State Constitution.

3. The mere fact that a corporation is dissolved and helpless, does not mean that its assets can be, with impunity and without redress, made the subject of larceny and plundering.

4. Indeed the only reason for making the Attorney General the statutory fiduciary is to assure this helpless constitutional "person", and those interested in its assets, that it will not be "the custodian" -- the judiciary -- which does the stealing and plundering.

5. The judiciary, in this area of the law, includes its appointed receiver, invariably one of its "cronies", particularly when such dissolved corporation has substantial assets.

6. The judicial appointed receiver is the agent of the court -- an arm of the court, and subject to its exclusive judicial control.

"THE LAW'S MAJESTIC BEAUTY"

To assure the integrity of this constitutional "person", and to vouchsafe the legitimate interests therein, the legislature has fixed the receiver's fee, according to the value of the assets received by him, plus "necessary expenses" (Business Corporation Law §1217).

1. All compensation awarded by the judiciary to anyone, "in any capacity", in excess of \$200, must be reported to the Office of Court Administration, on prepared forms, "on the first business day of each week", and such records are specifically made open for public inspection (Judiciary Law §35a; 22 NYCRR Part 26).

2. Awarded fees cannot exceed "the fair value of the services rendered", and 22 NYCRR §36.4[b] specifically provides that:

"Each award of fees of \$2,500 or more to appointees pursuant to this section shall be accompanied by an explanation, in writing, of the reasons therefor by the judge making the award"

3. The judiciary, itself, recognizes that its appointees are not always "the most honest", and requires that such appointed receiver "file with the court an accounting at least once a year" (22 NYCRR §202.52[e]).

4. To aid the Attorney General in performing his fiduciary obligations properly, the receiver must file with the Attorney General's Office, as well as with the County Clerk, by February 1 of each year, a verified statement, which includes the "assets" of such involuntarily dissolved corporation (Business Corporation Law §1207[a][3]).

5. To make certain that the Attorney General does not become lax, or neglectful, or corrupt, in addition to his wide discretionary powers (e.g. Business Corporation Law §1214[a]), he is compelled to performed certain mandatory "duties", where he has no discretion whatsoever, including compelling the receiver to settle his filed accounting and distribute its assets, after the lapse of eighteen (18) months (Business Corporation Law §1216[a]).

6. While the court may extend the time to settle an accounting and to distribute the assets, there is no authority given anyone to excuse or extend the time for the filing of an accounting "at least once a year", or the service and filing of a §1207 statement by February 1 of each year.

7. The receiver must sign an oath of office, and file a bond payable "to the people", to insure "the faithful discharge of his duties as receiver" (Business Corporation Law §1204).

8. The appointing judge is made responsible for the qualifications of his appointee, and nepotism is prohibited (22 NYCRR §36.1).

9. True books of account must be kept, and made open to inspection (Business Corporation Law §1207[a][3]).

"QUIS CUSTODIET IPSOS CUSTODES"

The entire legal scenario in this field is so replete with checks and balances, between various officers of different branches of government, that there should be no need for media investigation and/or exposure -- or so it seems!

The question posed by the ancient Romans, "Quis Custodiet Ipsos Custodes", has been resolved by carefully tailored legislative statutes and judicial rules -- or has it?

PUCCINI -- "THE JUDICIAL FORTUNE COOKIE"

1. FACT -- Despite the mandate that an accounting be filed "at least once a year", in the nine (9) years since Puccini was dissolved, not a single accounting has been filed -- not one!

2a. FACT -- Despite the mandate, as a "duty", that the Attorney General make application for the settlement and distribution of an accounting after the expiration of eighteen (18) months, in the one hundred and eight (108) months since Puccini was involuntarily dissolved, not a single application has been made by ROBERT ABRAMS, Esq. ["Abrams"], the highest law enforcement officer in this state, and/or his office -- not one!

b. The failures of the Attorney General, and his office, become more serious when it is recognized that they have the documented proof in their possession of the massive larceny of judicial trust assets and extensive plundering.

3a. FACT -- Despite the mandate that all compensation awarded, in excess of \$200 be reported, approximately one million dollars (\$1,000,000) has been given to FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], the law firm of LEE FELTMAN, Esq. ["Feltman"], the receiver appointed by a member of the "Murphy judiciary" -- no reports have been filed (Exhibit "A").

b. Even if FKM&F had rendered services which were intended to benefit Puccini, or did benefit such constitutional "person"--which is not the case herein--they were not entitled to anything since FKM&F were not appointed by any judge, nor was there compliance with 22 NYCRR §660.24 (which was in effect at the time).

4. FACT -- Despite the mandate of the receiver to file a §1207 statement with the Attorney General and the County Clerk, by February 1 of each and every year, none has been filed for several years, or since I exposed the perjurious statements contained in the prior filings.

5. FACT -- There is an secret understanding and/or agreement by and between ABRAMS, MURPHY, Administrator XAVIER C. RICCOBONO, and former Administrator LOUIS FUSCO, that despite Abrams' fiduciary obligations to these judicial trusts, he will not give said obligations obedience, even those of a mandatory nature.

b. In the "evil judicial empire" of Presiding Justice FRANCIS T. MURPHY, "constitutional persons" such as Puccini are not just skimmed--but denuded--to satisfy the insatiable appetites of the judiciary and/or their appointees, and neither

ROBERT ABRAMS, nor anyone else in the Attorney General's Office will interfere.

c. Indeed, the understanding and practice is that Abrams and his office will actively aid, abet, and facilitate such larceny, plundering, and will participate in other criminal conduct, where necessary.

d. Senior Attorney, David S. Cook, Esq., is the attorney in the one-man unit, assigned to vouchsafe the assets of Puccini and other involuntarily dissolved corporations on behalf of the Attorney General. Any complaints regarding the handling of involuntarily dissolved corporations, which are constitutionally protected (U.S. Constitution, Amendment I, New York State Constitution, Article I, Section 9) are channeled to Mr. Cook.

e. In defending applications against the courts and judges, the Attorney General operates on a generally rotating basis with about 70-80 attorneys.

f. Nevertheless, when the massive larceny of Puccini's trust assets surfaced, with its judicial involvement therein, it was Mr. Cook who was exclusively assigned to represent the judiciary and the courts, arising out of their breach of trust responsibility, while simultaneously representing Puccini, his statutory ward.

"THE UNTOUCHABLES"

1. KREINDLER & RELKIN, P.C. ["K&R"], and its clients, including CITIBANK, N.A. ["Citibank"], engineered the larceny of Puccini's judicial trust assets, and inundated the courts with perjurious affidavits denying same.

2. In return for not exposing such larceny of judicial trust assets, or attempting to recover same on behalf of its judicial trust, FELTMAN, the receiver, was promised the balance of Puccini's judicial trust assets.

3. Since FELTMAN's commissions are fixed by legislative statute (Business Corporation Law §1207), the vehicle for such "bribe" payments, was to be and is, his law firm, FELTMAN, KARESH, MAJOR & FARBMAN (KM&F).

4. K&R and FKM&F are "criminals with law degrees" who have raped Puccini of all its tangible assets, leaving nothing for legitimate creditors and stockholders.

5. Under such circumstances, no true accounting can be rendered in the Puccini matter without exposing the larceny, plundering, perjury, extortion, and official and judicial corruption. There is no final accounting for Puccini.