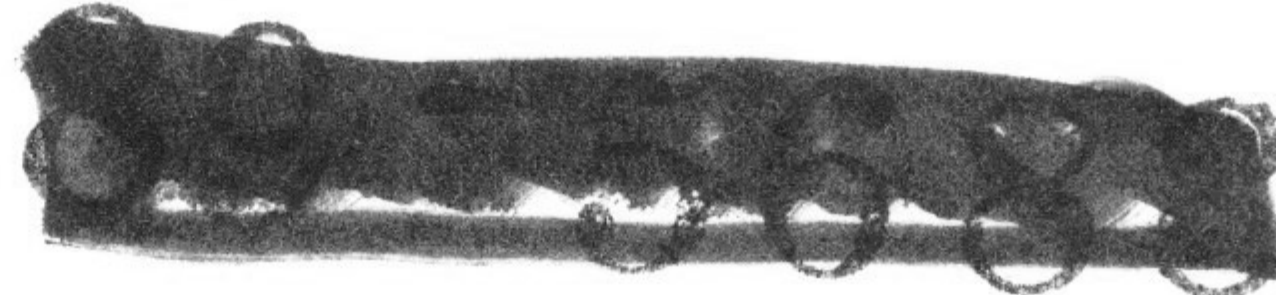


original



No.

In the  
SUPREME COURT OF THE UNITED STATES  
October Term, 1989

-----x

In the Matter of the Petition of  
GEORGE SASSOWER,

Petitioner,

-against-

J. KENNETH LITTMAN; DENIS DILLON; MATTHEW  
SANSVERIE; KENNETH M. COZZA; R. LULENSKI;  
P. JOHNSON; PETER SORDI; THERESA NAPPI;  
KREINDLER & RELKIN, P.C.; CITIBANK, N.A.;  
JEROME H. BARR; LEE FELTMAN; FELTMAN, KARESH,  
MAJOR & FARBMAN; ROBERT ABRAMS; DAVID S. COOK;  
JEFFEY I. SLONIM; ROBERT GAFFEY; WILLIAM C. CONNER;  
FRANCIS T. MURPHY; WILFRED FEINBERG; JOSEPH W.  
BELLACOSA; XAVIER C. RICCOBONO; IRA GAMMERMAN;  
DONALD DIAMOND; ERNEST L. SIGNORELLI;  
ANTHONY MASTROIANNI; and ROBERT STRAUS,

Respondents.

-----x

x-----x

PETITION FOR CERTIORARI  
to the  
THE CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

x-----x

x-----x

PETITION

x-----x

GEORGE SASSOWER  
Attorney for Petitioner,  
Pro se  
16 Lake Street,  
New York, New York 10603  
914-949-2169

No.  
SUPREME COURT OF THE UNITED STATES  
October Term, 1989

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In the Matter of the Petition of  
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J. KENNETH LITTMAN; DENIS DILLON; MATTHEW  
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-----x  
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PETITION FOR CERTIORARI  
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x-----x  
x-----x  
PETITION  
x-----x

PRELIMINARY STATEMENT

The facts and the issues in the Final Order of the Second Circuit, dated June 29, 1989 under Docket No. 89-7049 are interrelated with those in the Final Order of the same Court, dated September 15, 1989, under Docket No. 89-7049. The attorneys for the parties, and most of the parties, are the same.

Consequently, with the filing of a Writ for Certiorari with respect to the Order of September 15, 1989, which EVENT should take place within the next two weeks, there will be incorporated the facts and issues in both matters, together with a motion to consolidate.

These skeleton papers are being filed only to preserve the jurisdiction of this Court in the instant matter.

QUESTIONS PRESENTED

1. Under the facts at bar, does the petitioner have standing on behalf of HAROLD COHEN ["Cohn"] and DENNIS F. VILELLA ["Vilella"]?

2. Can the petitioner, as bailor of the property of Cohen and Vilella, intervene under the circumstances?

3. Were Cohen and Vilella denied due process by the forthwith of petitioner while the matter was pending, and without notice to them?

4. Were Cohen and Vilella denied due process by the criminal contempt charges brought in this matter against petitioner, which were not prosecuted?

5. Did the patent extrinsic fraud nullify this entire proceeding?

#### THE PARTIES

The only parties to this proceedings are set forth in the title, and the names and addresses of their attorneys are listed Certificate of Service.

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#### TABLE OF AUTHORITIES

<u>Hazel-Atlas v. Hartford</u> 322 U.S. 238 [1944]	3
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<u>Universal Oil v. Root</u> 328 U.S. 575 [1946]	3
<u>Young v. U.S. ex. rel. Vuitton</u> 481 U.S. 787 [1987]	3

OPINIONS OF THE COURT BELOW

1. The Order of the District Court, dated December 7, 1988, appears at "A-1". The Order of the Circuit Court of Appeals for the Second Circuit filed June 29, 1989 appears at "A-3".

JURISDICTION

1. The Final Order of the Circuit Court of Appeals for the Second Circuit was rendered on June 29, 1989, or within ninety (90) days of the filing of this petition.

2. The jurisdiction of this Court is invoked under 28 U.S.C. §1254[1].

28 U.S.C. §1254 provides:

"Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree."

CONSTITUTIONAL and STATUTORY PROVISIONS

1. The First Amendment of the United States Constitution provides that:

"Congress shall make no law respecting ... abridging the freedom of speech ... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

2. The Fifth Amendment of the United States Constitution provides that:

"[N]or shall any person be subject for the same offence to be twice put in jeopardy ... nor be deprived of ... life, liberty, or property, without due process of law ... ."

STATEMENT OF THE CASE

1a. This action was instituted by plaintiffs, Cohen and Vilella, after District Attorney DENIS DILLON ["Dillon"], by fraud, obtained a 'general search warrant' and read and seized the attorney-client and work product material of Cohen and Vilella which predated petitioner's state disbarment.

b. The 'Dillon Gang' also read and seized the same type of privileged material while petitioner was lawfully representing Cohen and Vilella in the federal forum.

2a. Although petitioner had been disbarred in the state forums in February 1987, solely for exposing judicial corruption and misconduct, he was a member of the bar, in good standing, in the U.S. District Court for the Eastern District of New York in March of 1988, when the Cohen and Vilella action was commenced.

b. Although the Eastern District had commenced a disciplinary proceeding immediately after petitioner's state disbarment, based upon same, petitioner inundated federal forum with papers and document which revealed he had been denied his federal constitutional rights in the state proceeding.

3a. For commencing this action on behalf of Cohen and Vilella, and including "the criminals with law degrees" as co-defendants, these 'judicial fixers' initiated a non-summary criminal contempt proceeding against petitioner.

b. The plea of petitioner was one of non-guilt, 'former [double] jeopardy', invidious and selective prosecution, and he also made demands, inter alia for a speedy prosecution.

c. While such criminal prosecution proceeding was extant, petitioner invoked his constitutional rights not to incriminate himself.

4a. About seven (7) months later, petitioner was disbarred from said Court, all without notice to his clients, and he was not permitted, by a judicial-legislative ukase, to submit any further papers on his clients behalf, although he was never discharged by them or the Court.

b. Without affording Cohen and Vilella an opportunity to obtain new counsel, or even informing them of petitioner's status, their action was dismissed.

5. Petitioner's disbarment, state and federal, was related only to his continued exposure of judicial corruption, state and federal, nothing else.

REASONS FOR GRANTING THIS PETITION

1a. The issues involved are novel, but necessitate an examination of the rights of clients, when an attorney, to properly protect one client, produces injury to others, simply because the judiciary will not 'clean its own house'.

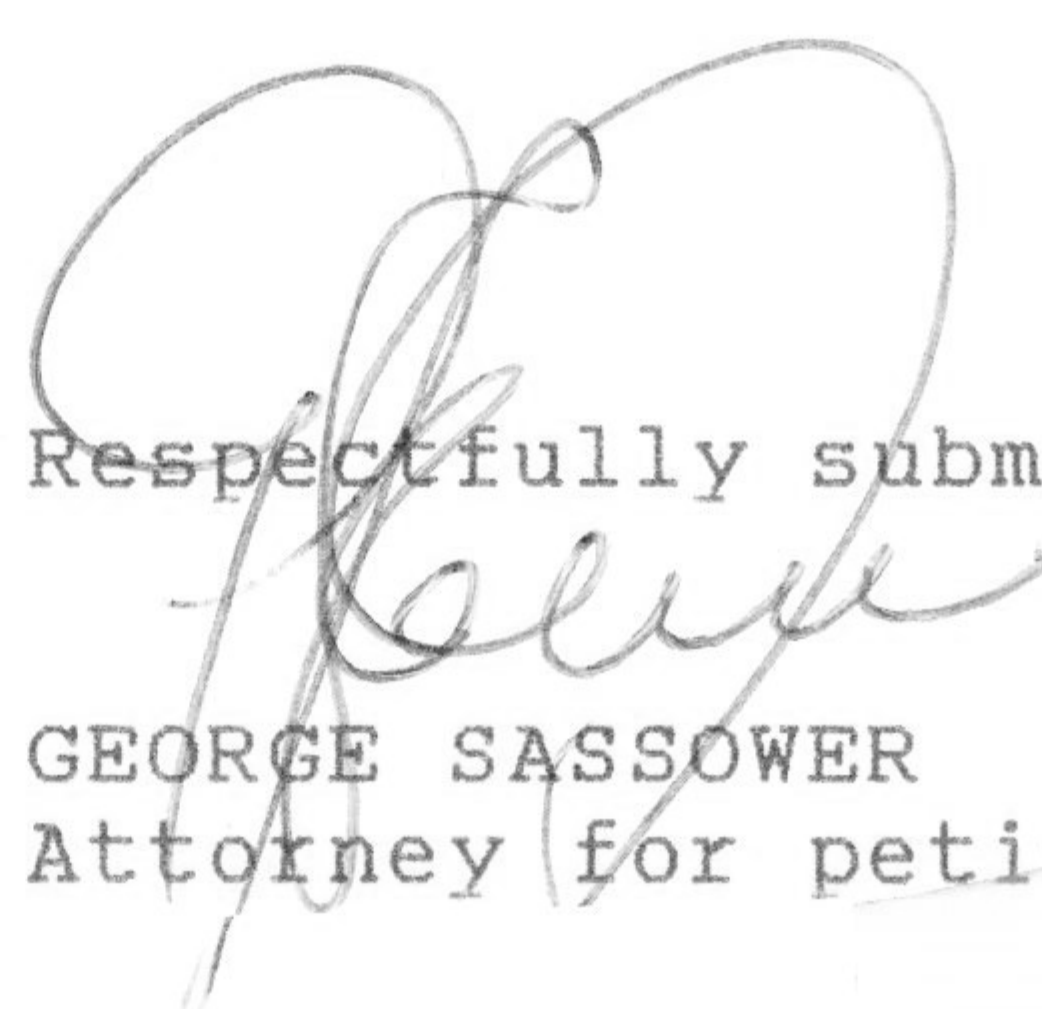
b. A court may disbar, but then as a legislative act (Prentis v. Atlantic Coast Line, 211 U.S. 210), cannot terminate a contractual relationship the attorney has with his clients, without some due process afforded to both attorney and clients.

2. The manner by which the Second Circuit now circumvents this Court's holding in Young v. U.S. ex. rel. Vuitton (481 U.S. 787), necessitates further remedial action by this Court.

3. In any event, as will be shown, this entire matter is inundated with fraud of the most egregious type (Hazel-Atlas v. Hartford, 322 U.S. 238; Universal Oil v. Root, 328 U.S. 575), and the proceeding is a nullity.

Dated: September 26, 1989

Respectfully submitted,

  
GEORGE SASSOWER  
Attorney for petitioner, pro se.

CERTIFICATION OF SERVICE

On September 26, 1989, I served a copy of the within Petition for a Writ of Certiorari on Hon. EDWARD T. O'BRIEN, at One West Street, Mineola, N.Y. 11501; FELTMAN, KARESH, MAJOR & FARBMAN, Esqs., at 645 Fifth Avenue, New York, N.Y. 10022; KREINDLER & RELKIN, P.C., at 350 Fifth Avenue, New York, N. Y. 10118; SORDI & SORDI, Esqs., at 147 Glen Street, Glen Cove, N.Y., 11542; Hon. ROBERT ABRAMS, The Capitol, Albany, N.Y. 12224; and Hon. ANDREW J. MALONEY, at 225 Cadman Plaza East, Brooklyn, N.Y. 11201.

3.   
ELENA R. SASSOWER

HAROLD COHEN and DENNIS F. VILELLA,

Plaintiffs,

-against-

O R D E R

88 CV 621 (ERK)

J. KENNETH LITTMAN; DENIS DILLON;  
MATTHEW SANSVERIE; KENNETH M. COZZA;  
R. LULENSKI; P. JOHNSON; PETER SORDI;  
THERESA NAPPI; KREINDLER & RELKIN, P.C.;  
CITIBANK, N.A.; JEROME H. BARR; LEE  
FELTMAN; FELTMAN, KARESH, MAJOR &  
FARBMAN; ROBERT ABRAMS; DAVID S. COOK;  
JEFFREY I. SLONIM; ROBERT W. GAFFEY;  
WILLIAM C. CONNOR; FRANCIS T. MURPHY;  
MILTON MOLLEN; WILFRED FEINBERG;  
JOSEPH W. BELLACOSA; XAVIER C. RICCOBONO;  
IRA GAMMERMAN; DONALD DIAMOND; ERNEST L.  
SIGNORELLI; ANTHONY MASTROIANNI; and  
ROBERT STRAUS,

Defendants.

The recommendation of the Magistrate dated July 25, 1988, that "plaintiffs motions for partial summary judgment and to amend the complaint be dismissed in their entirety" is adopted. Plaintiffs motions for partial summary judgment to amend the complaint are denied and the complaint is dismissed.

On November 4, 1988, an order was entered disbarring Mr. Sassower from the practice of law before this court. Accordingly, the Clerk is directed not to accept any papers or pleadings filed by Mr. Sassower as an attorney for any party. The clerk is likewise directed not to accept for filing any papers, proceeding or motion or new case of any kind presented by Mr. George Sassower, which name him as a party plaintiff or

"A1"

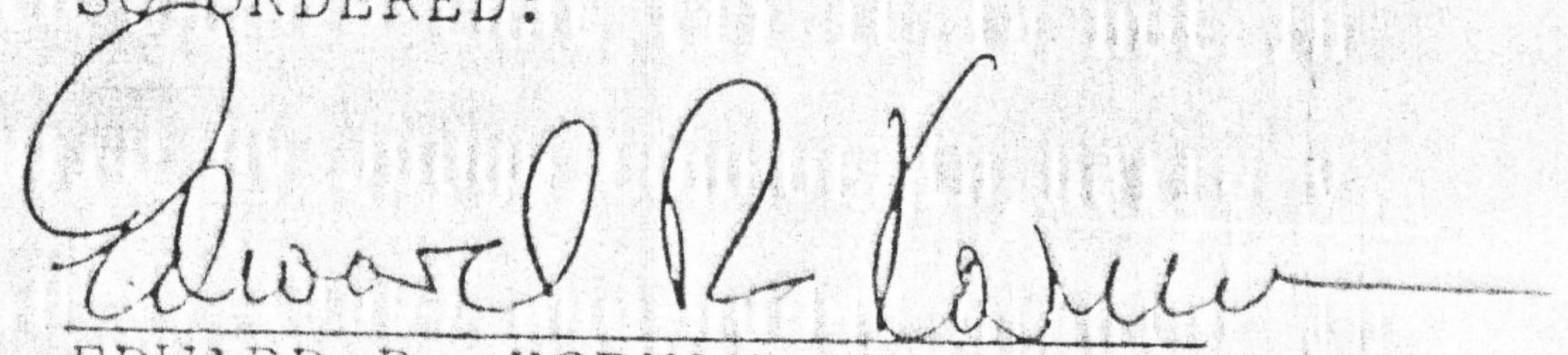
O R D E R

88 CV 621 (ERK)

petitioner without leave obtained from Magistrate Ross who shall have examined such paper to ensure that (1) it is not in violation of the injunction entered by Judge Connor in Raffe v. Doe, 619 F. Supp. 891, 893 (S.D.N.Y. 1985) and Judge Mishler in Sassower v. Signorelli, No. 84 Civ. 2989, and (2) that it does not assert on Mr. Sassower's behalf any of the claims asserted here on behalf of others that have been dismissed in accordance with the recommendation of the Magistrate.

The Magistrate also recommended criminal and civil contempt and Rule 11 sanctions. If history is any guide, however, the adoption of these recommendations is not likely to prove effective. Criminal and civil contempt proceedings, as well as Rule 11 and related monetary sanctions that remain unpaid, have failed to deter Mr. Sassower. Indeed, Magistrate Ross found that the "likelihood of recovering monetary sanctions is negligible" (Report p. 61). Under these circumstances, expenditure of further judicial resources for these purposes is unwarranted. In my judgment, the order entered here, like the similar order entered by Judge Briant in the Southern District of New York, along with Mr. Sassower's disbarment, should prove to be far more effective.

SO ORDERED:

  
 EDWARD R. KORMAN, U.S.D.J.

Dated: Brooklyn, New York  
 December 7, 1988

A-2



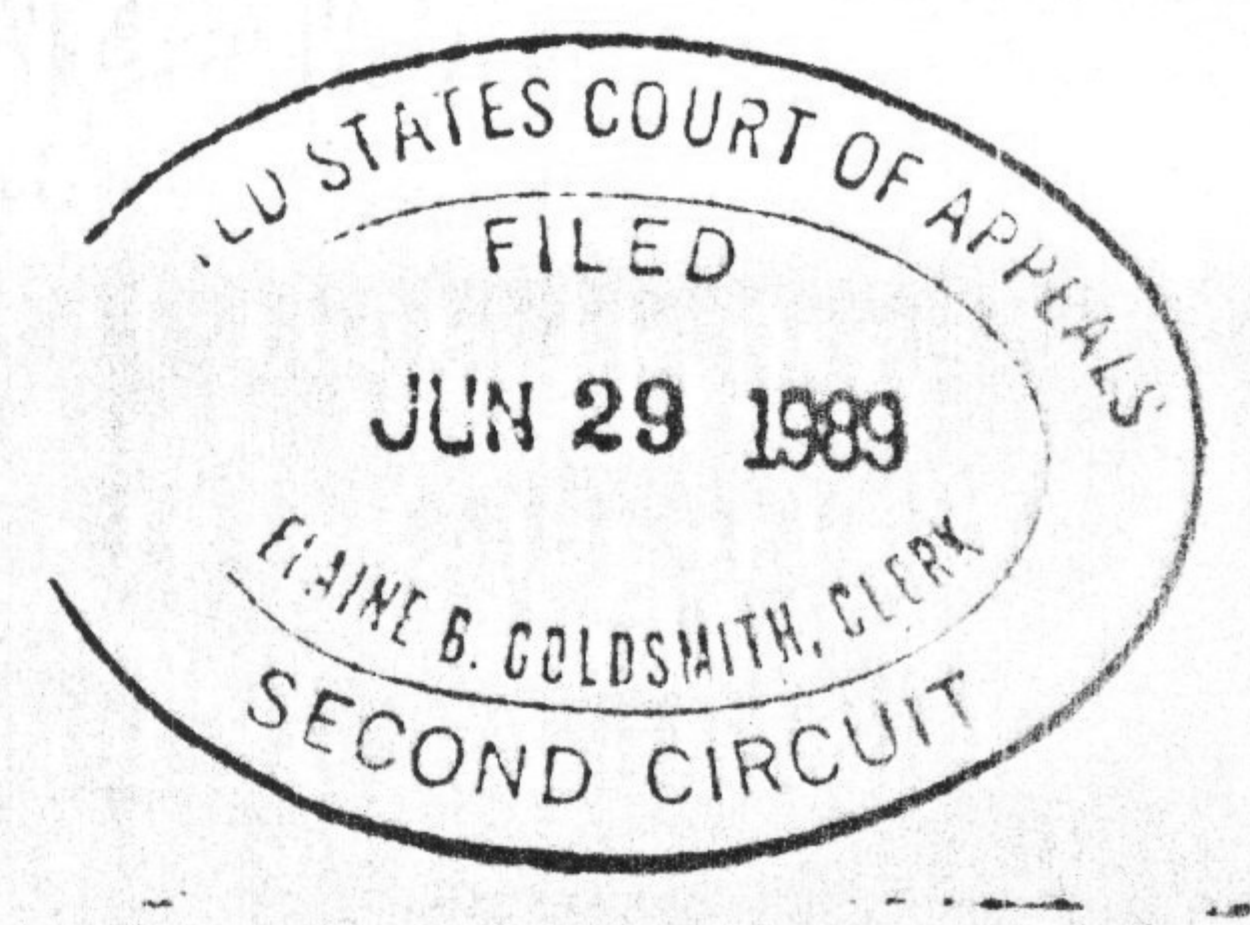
UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the  
Second Circuit held at the United States Courthouse in the City of  
New York, on the twenty-ninth day of June , one  
thousand nine hundred and eighty-nine.

"A-3"

Present:

Hon. James L. Oakes,  
Chief Judge.  
Hon. Ellsworth A. Van Graafeiland,  
Hon. George C. Pratt,  
Circuit Judges.



Harold Cohen and Dennis F. Vilella,  
Plaintiffs,

v.

89-7049

J. Kenneth Littman; Denis Dillon;  
Matthew Sansverie; Kenneth M. Cozza;  
R. Lulenski; P. Johnson;; Peter Sordi;  
Theresa Nappi; Kreindler & Relkin, P.C.;  
Citibank, N.A.; Jerome H. Barr;  
Lee Feltman; Feltman, Karesh, Major &  
Farbman; Robert Abrams; David S. Cook;  
Jeffrey I. Slonim; Robert W. Gaffey;  
William C. Conner; Francis T. Murphy;  
Milton Mollen; Wilfred Feinberg;  
Joseph W. Bellacosa; Xavier C. Riccobono;  
Ira Gammerman; Donald Diamond; Ernest L.  
Signorelli; Anthony Mastroianni; and  
Robert Straus,  
Defendants-Appellees.

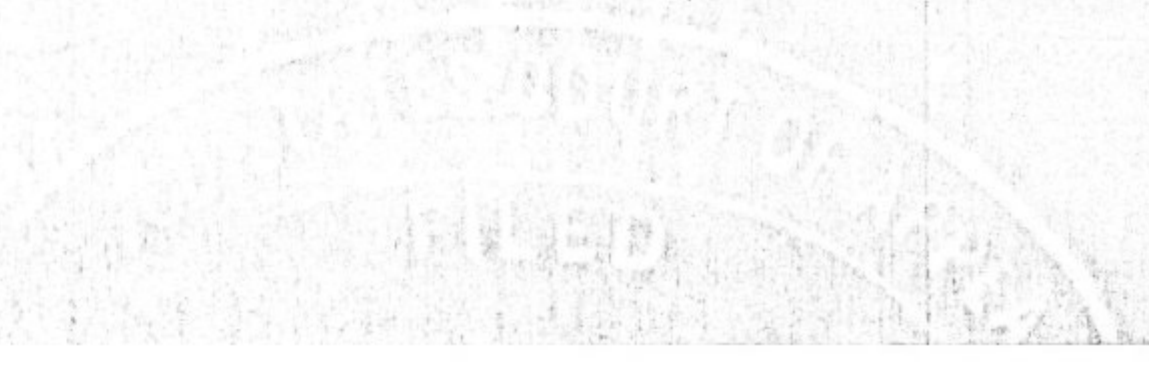
United States of America ex rel.  
Feltman, Karesh, Major & Farbman, Lee  
Feltman, Kreindler & Relkin, P.C.;  
Jerome H. Barr and Citibank, N.A.,  
Petitioner-Appellees,

v.

George Sassower,  
Defendant-Appellant.

"A-3"

"A-3"



O R D E R

This is an appeal from a judgment of the United States District Court for the Eastern District of New York, Edward R. Korman, Judge. The appeal challenges the portion of the judgment directing the court's Clerk not to accept any papers or pleadings filed by George Sassower as an attorney, and the portion of the judgment directing the Clerk not to accept any papers, proceedings, motions, or new cases which name Sassower as a plaintiff or petitioner unless permission is obtained from Magistrate Allyne Ross, who prepared the recommendation for the district court in this case. We affirm.

Sassower's zest for litigation is matched only by the unsoundness of his claims and the frequency with which they are brought solely to harass or coerce his adversaries, see, e.g., Raffe v. Doe, 619 F. Supp. 891 (S.D.N.Y. 1985); Sassower v. Signorelli, 99 A.D.2d 358, 472 N.Y.S.2d 702 (2d Dep't 1984), appeal denied, 61 N.Y.2d 985, 463 N.E.2d 624, 475 N.Y.S.2d 283 (1984); see also In re Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 (2d Dep't 1987) (disbarring Sassower for frivolous and vexatious litigation and defiance of court orders). Federal courts have both the power and the obligation to protect their jurisdiction from conduct that impairs their ability to function, In re Martin-Trigona, 737 F.2d 1254, 1261 (2d Cir. 1984), and Sassower's conduct clearly meets this circuit's test for determining whether a litigant's access to the courts should be restricted, see Safir v. United States Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986) (court should consider history of vexatious, harassing, duplicative litigation; litigant's motive;

"A-4"

O R D E R

This is an appeal from a judgment of the United States District Court for the Eastern District of New York, Edward R. Korman, Judge. The appeal challenges the portion of the judgment directing the court's Clerk not to accept any papers or pleadings filed by George Sassower as an attorney, and the portion of the judgment directing the Clerk not to accept any papers, proceedings, motions, or new cases which name Sassower as a plaintiff or petitioner unless permission is obtained from Magistrate Allyne Ross, who prepared the recommendation for the district court in this case. We affirm.

representation by counsel; whether litigant has caused needless expense to other parties or unnecessarily burdened court; and whether other sanctions would be adequate to protect court and other parties), cert. denied, 479 U.S. 1099 (1987); see also In re Martin-Trigona, 795 F.2d 9 (2d Cir. 1986) (approving similar restriction).

Sassower also claims that unnamed members of this court and the court below have the obligation to recuse themselves. Since Sassower has the substantial burden of showing that the judges he has in mind are not impartial, see Weatherhead v. Globe Int'l, Inc., 832 F.2d 1226, 1227 (10th Cir. 1987), and he has presented nothing but a conclusory statement about unnamed judges, we see no reason to consider anyone's recusal.

Finally, appellees suggest that the district court should have ordered Rule 11 sanctions and contempt proceedings. It was well within the court's discretion to decide, as it did, that such gestures would not effectively deter Sassower because they had not done so in the past. See Cohen v. Littman, slip op. at 2, No. 88 CV 621 (E.D.N.Y. Dec. 7, 1988).

Judgment affirmed.

James L. Oakes  
James L. Oakes,  
Chief Judge.

Ellsworth A. Van Graafeiland  
Ellsworth A. Van Graafeiland,

George C. Pratt  
George C. Pratt,  
Circuit Judges.

9991

THE MANDATE, CONSISTING OF THE  
ITEMS BELOW, HAS BEEN RECEIVED.  
[ ] OPINION [ ] STATEMENT OF COSTS  
[ ] ORDER RECEIVED BY DATE 1/27/89  
RETURN TO PRO SE UNIT

"A-5"

No.  
SUPREME COURT OF THE UNITED STATES  
October Term, 1989

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-against-  
J. KENNETH LITTMAN, et al.,  
Respondents.  
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PETITION FOR CERTIORARI  
to the  
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PETITION  
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GEORGE SASSOWER  
Attorney for Petitioner,  
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