In The
SUPREME COURT OF THE UNITED STATES
October Term, 1990
No. 90-

GEORGE SASSOWER,

Petitioner,

-against-

WHITEFORD, TAYLOR & PRESTON; FIDELITY AND DEPOSIT COMPANY OF MARYLAND; STAFFORD, FREY, COOPER & STEWART; GENERAL INSURANCE COMPANY OF AMERICA; LEE FELTMAN; FELTMAN, KARESH, MAJOR & FARBMAN; KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; JEFFREY L. SAPIR; WILLIAM L. DWYER; JAMES L. OAKS; WILFRED FEINBERG; CHARLES L. BRIEANT; GEORGE C. PRATT; EUGENE H. NICKERSON; WILLIAM C. CONNER; NICHOLAS H. POLITAN; SOL WACHTLER; FRANCIS T. MURPHY; XAVIER C. RICCOBONO; DONALD DIAMOND; ALVIN F. KLEIN; DAVID B. SAXE; IRA GAMMERMAN; MARTIN EVANS; DENIS DILLON; and ROBERT ABRAMS,

Respondents.

PETITION FOR A WRIT OF CERTIORARI
TO THE CIRCUIT COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION

PRELIMINARY STATEMENT
("THE ANATOMY OF JUDICIAL CORRUPTION")

1a. In a one hundred (100) page detailed Amended Complaint (Sassower v. Fidelity and Deposit Insurance Company of Maryland, CCA4th Docket No. 90-1146) petitioner set forth the mechanics of existing corruption in the New York-Second Circuit judicial bailiwick, whose essential allegations have been independently verified and published by responsible media representatives (hereinafter Action #1).

b. This Court or anyone else need only demand an accounting for the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"] and the disposition of the millions of dollars paid

by HYMAN RAFFE ["Raffe"] to avoid incarceration, in order to immediately recognize that high-echelon members of the judiciary, state and federal, are involved in the larceny of judicial trust assets, criminal extortion and other racketeering crimes, including the diversion of monies from the federal government to private pockets.

2a. To advance and conceal this New York-Second Circuit criminal activity racket, it became necessary to corrupt jurists in other judicial districts, including in the District of Maryland, as is reflected in petitioner's filed complaint in this matter, which specifically identified U.S. District Judge JOHN R. HARGROVE ["Hargrove"] of the District of Maryland, as one of the corrupted jurists (Action #2).

b. Petitioner's 28 U.S.C. §1915 filing in Action #2 was approved by United States Magistrate CLARENCE E. GOETZ ["Goetz"], after which the proceeding was re-assigned and/or dragooned by Judge Hargrove to himself, the jurist specifically named therein to have been corrupted who, after an inordinate delay of two (2) months, dismissed the complaint.

3. Related petitions to this Court will reveal that this and similar scenarios in other federal courts are being orchestrated by the New York-Second Circuit judiciary, including at the Circuit Court level.

QUESTIONS PRESENTED

1. After Magistrate Goetz had approved the filing of petitioner's complaint in the above entitled matter, which specifically named Judge Hargrove of the District of Maryland as

a Dennis v. Sparks (449 U.S. 24 [1980]) corrupted jurist, could such action be re-assigned to and/or dragooned by Judge Hargrove to himself, and without any articulated reason of substance, dismiss petitioner's action?

2a. Where the prime defendants in this action were citizens of Maryland, and essentially all acts took place in the State of Maryland, could Judge Hargrove, as part of such of such dismissal, sua sponte, issue an Order which provided that petitioner:

> "is hereby PERMANENTLY ENJOINED and RESTRAINED from filing or serving, or attempt to initiate any action or proceeding in this Court: against any of the following parties: Fidelity and Deposit Company of Maryland ..., Whiteford, Taylor & Preston ..."? [emphasis supplied]

b. Can the above edict be promulgated by a corrupted jurist in an attempt to immunize those who corrupted him?

3a. Assuming arguendo a named corrupted jurist can lawfully adjudicate an action against those who corrupted him, can such jurist, sua sponte, dismiss a complaint?

b. Assuming, arguendo, the aforementioned to be in the affirmative, was such dismissal appropriate at bar?

4a. Is Local Rule 102(1)(b)(ii) of the District of Maryland constitutional?

b. Assuming, arguendo, that Local Rule 102(1)(b)(ii) is constitutional, must due process be afforded before its draconian provisions are invoked?

c. Where a court and judge waive Local Rule 102(1)(b)(ii), but when the court and/or judge is shown to be corrupt, may such waiver, without notice, be revoked, the action

dismissed and discriminately applied against the speaker prospectively?

5. Should the Federal Courts in the Fourth Circuit be enjoined from giving any recognition to the orders, decisions and opinions of the New York-Second Circuit courts, when petitioner is barred from access to those courts, including for coram nobis and Rule 60(b) relief?

THE PARTIES

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OPINIONS BELOW

The District Court, sua sponte, consolidated the two (2) actions in order to conceal the absence of any legal reason for the dismissal of petitioner's complaint in this matter.

Petitioner's timely appeal presently pends "in" the Circuit Court of Appeals for the Fourth Circuit (Docket No. 90-1142).

JURISDICTION

(i) Appeal pending "in" Circuit Court

(ii) None

(iii) Not Applicable

(iv) 28 U.S.C. §1254[1]

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article 1, §8 of the U.S. Constitution provides:

> "[1] The Congress shall have power ... [3] to regulate commerce ... among the several states ..."

2. Article III of the U.S. Constitution provides:

> "§1 The judicial power of the United States, shall be vested in one Supreme Court and ... . §2[1] The judicial power shall extend in all cases, in law and equity, arising under this Constitution ... between citizens of different states ... ."

3. Article IV §2[1] of the U.S. Constitution provides:

> "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

4. The First Amendment of the U.S. Constitution provides:

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

5. The Fifth Amendment of the U.S. Constitution provides:

> "No person shall ... be deprived of ... liberty, or property, without due process of law ...".

6. 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; (2) ... ."

7a. Local Rule 101 of the District of Maryland provides:

> "Counsel.
>
> 1. Who May Appear as Counsel; Who May Appear Pro Se.
>
> a. Generally. Except as otherwise provided in this Rule ... only members of the Bar of this Court may appear as counsel in civil cases. Only individuals may represent themselves. Individuals representing themselves are responsible for performing all duties imposed upon counsel by these Rules and all other applicable federal rules of procedure. b. Pro hac vice. The Court may permit ... may permit any attorney ...
>
> 2. When Resident Counsel Required. Resident counsel is required only for a party who is being represented by an attorney who is not a member of the Bar of this Court. ... . [R]esident counsel is not required for a party in an action transferred to the District under 28 U.S.C. §1407. ..."

b. Local Rule 102 of the District of Maryland provides:

> "General Filing and Service Requirements.
>
> 1. Signatures, Identifying Information and Proof of Service.

a. Signatures. ....
b. Identifying Information.
i. ...
ii. Duty to keep current address on file. Counsel and pro se litigants must file with the Clerk in every case which they have pending a statement of their current address. If a pro se plaintiff resides outside of the District, that party shall keep on file with the Clerk an address within the District where notices can be served. These obligations are continuing, and if any pro se litigant or counsel fails to comply with them, the Court may enter an order dismissing any affirmative claims for relief filed by the party or on behalf of the client and may enter a default judgment on any claims asserted against the party or on behalf of the client."

c. Local Rule 112 of the District of Maryland provides:

"3. Multi-District Litigation.

a. Numbering and Docketing. A group of actions transferred to this district under 28 U.S.C. §1407 shall be given a composite number ... .

b. Counsel Need Not be Member of the Bar of This Court. Counsel representing a party in a transferred action need not be a member of the bar of this Court, and such a party need not have resident counsel.

c. Notification of Address. Upon receipt of an order of transfer, all counsel in the transferred action shall notify the Clerk of their names, addresses and telephone number. No party may list more than one attorney as its representative for purpose of service."

STATEMENT OF THE CASE

1a. In January of 1990, petitioner commenced an action based on a surety bond against the respondent, FIDELITY AND DEPOSIT COMPANY OF MARYLAND ["F&D"] only, a Maryland corporation, represented by respondent, WHITEFORD, TAYLOR & PRESTON, Esqs. ["WT&P"], a Maryland law firm, which action was assigned to U.S.

District Judge JOHN R. HARGROVE ["Hargrove"] of the District of Maryland [hereinafter Action #1].

b. In view of the existence of Local Rule 102(1)(b)(ii), prior to filing by the Court Clerk, judicial approval had to be received for its waiver.

c. Petitioner applied for such approval, on notice to F&D, and in due course, without objection, the filing was approved by Judge Hargrove, who re-drafted petitioner's order to conform to certain insignificant changes that had been made in the local rule.

2a. The liability alleged against F&D in petitioner's complaint was clear, irresistible compelling, and there simply was no defense to petitioner's motion for summary judgment which petitioner promptly made shortly after the expiration of the twenty (20) day period provided in Rule 56.

b. All of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], which was involuntarily dissolved on June 4, 1980, were made the subject of larceny and unlawful plundering by the court-appointed receiver's law firm and their co-conspirators, which includes members of the judiciary, leaving nothing for the legitimate stockholders and creditors, which included petitioner.

c. To conceal such criminal adventure, without notice or due process to petitioner, NYS Referee DONALD DIAMOND ["Diamond"], "approved" the "final accounting" of the court-appointed receiver, a final accounting which does not exist -- it is "phantom".

d. Thus, Action #1 was against F&D on its surety bond -- a contractual action -- making petitioner's status, whether he be "saint or sinner".

2a. With petitioner's motion for summary judgment pending before Judge Hargrove, the New York-Second Circuit "fixors", conveyed to WT&P and Judge Hargrove their "marching orders", which WT&P and Judge Hargrove promptly began to obey.

b. Petitioner was aware of such "judicial fix", exposed its existence in his filed papers including the intended scenario, however neither WT&P and Judge Hargrove failed to alter a charted course of corruption dictated by others.

c(1) Consequently, petitioner initiated procedures to prove, beyond a peradventure of doubt, the existence of such "judicial fix", which included a fifteen (15) page "recusal affirmation", dated May 5, 1990.

(2) The opening paragraphs of such "recusal affirmation" read as follows:

> "This recusal affirmation by plaintiff of Hon. JOHN R. HARGROVE in this action, is made in good faith, is supported by (1) the filings of WHITEFORD, TAYLOR & PRESTON, Esqs. [`WT&P'] in this Court, and (2) the actions of His Honor -- all of which confirm that `marching orders' have been given to His Honor, which apparently His Honor is accepting.
>
> The objective and documented evidence, in all respects, comports with affirmant's private information of `marching orders' or a `fix'.
>
> As affirmant indicated, ante litem motam, in his affirmation of March 28, 1990, he was aware that such `fixing' attempts were in progress."

4a. When petitioner learned that further pressure were being exerted upon Judge Hargrove to obey the desired "marching

orders" petitioner, on May 21, 1990, executed a one hundred (100) Amended Complaint, "of course", intended to abort such judicial fraud.

b. The opening paragraphs of such Amended Complaint read as follows:

> "This Amended Complaint, with its additional grounds, filed as a matter of right, has been made necessary by the irrelevant, perjurious, false, deceptive, prejudicial and/or improper statements and procedures intentionally and deliberately thrust upon this Court by WHITEFORD, TAYLOR, & PRESTON, Esqs. ['WT&P'], the attorneys for FIDELITY AND DEPOSIT COMPANY OF MARYLAND ['F&D'], acting in concert with others, as part of a pattern of racketeering activities, whose manifest object is to deprive plaintiff of his lawful right to access to the court for compelling relief, including vindication of his personal and property, contractual and other, rights, and a fair and constitutional adjudication.
>
> <u>This Amended Complaint is without prejudice to any collateral or other proceeding that the law permits to be taken by reason of the aforementioned misconduct of WT&P.</u>"

c(1) Including WT&P in such Amended Complaint, obviously would have created procedural problems, since Judge Hargrove would have to be named as a <u>Dennis v. Sparks</u> (supra) essential witness when the action was pending before His Honor.

(2) Action #1 was not an action wherein petitioner cried "fix" after he lost the case, but a situation wherein petitioner was exposing the "fix" while it was in progress and detailed the scenario before execution.

5a. Additionally, petitioner attempted to abort such "fix" of Judge Hargrove, and document same, by petitioning the Circuit Court.

b. Petitioner's petition to the Circuit Court of May 30, 1990 states:

> "1a. Petitioner respectfully prays for a writ of mandamus requiring Hon. JOHN R. HARGROVE [hereinafter the `respondent'] to issue Orders, after a `due process' proceeding, with respect to each and every order and decision thrust upon the respondent's tribunal by the firm of WHITEFORD, TAYLOR & PRESTON, Esqs. [`WT&P'], the attorneys for FIDELITY & DEPOSIT COMPANY OF MARYLAND [`F&D'], the defendant in such action.
>
> b. There is no suggestion in this petition that the respondent reach any particular determination, only that a determination be made, which will be subject to an eventual appeal, either by petitioner or WT&P.

2. Petitioner is a native-born American and battle-starred veteran of World War II, is constitutionally entitled to, but cannot receive, any semblance of a fair and impartial judicial adjudication in any court of the United States, including in this Circuit, unless such adjudications are made by the respondent pursuant to FRCivP Rule 60(b)[4][6].

3a. Petitioner commenced an action in the United States District Court of the District of Maryland, based exclusively on contract, and in due course it was assigned to respondent.

b. Recently, petitioner amended his complaint, as a matter of right, so as to include non-contractual claims, although such amendments are irrelevant to the relief sought herein.

4a. WT&P, who had no testimonial qualification whatsoever, as part of their dismissal motion (cf. FRCivP Rule 56[e]), laid before the respondent various orders and decisions of other courts.

b. These various orders and decisions can be categorized as follows:

(1) There are those order, which label petitioner a pariah, which petitioner claims to be irrelevant to his contractual cause of action, and tendered by WT&P only to prejudice and deprive petitioner of a fair adjudication.

(2) There is second category, arguably relevant, where petitioner claims that there is no subject matter and/or personal jurisdiction, and/or rendered without any due process procedures.

5a. Petitioner is ready, willing and able to litigate both types of orders and decisions, pursuant to Rule 60(b)[4][6], with the contention that there was no subject matter and/or personal jurisdiction and/or rendered without any due process procedures.

b. Petitioner asserts that WT&P who was and is aware of the constitutional and jurisdictional infirmities and would never assert such orders and decisions as a bar to petitioner's claims were it not certain that respondent would not adjudicate the legality of same.

c. The evidence thus far supports the aforementioned assertion by the petitioner.

6a. Decisive on WT&P dismissal motion are the Orders of Referee DONALD DIAMOND [`Diamond'], who issued the transparently unconstitutional edict set forth in petitioner's in forma pauperis motion herein.

b. Referee Diamond who has only very limited judicial powers to `hear and determine' (NY CPLR §4317[b]), also issued an Order which `approved' a `final accounting' for the court-appointed receiver, who F&D bonded.

In fact there was no accounting, final or otherwise, which Referee Diamond approved -- such accounting is `phantom', and a judicial fraud.

c. Referee Diamond, also discharged F&D on its bond.

7a. Petitioner was (1) never served with notice of such accounting or discharge proceeding; (2) filed notices of such fact with the County Clerk, which were never adjudicated; (3) is physically excluded from the non-public court-room of Referee Diamond; and (3) petitioner's legal papers are not accepted by or on behalf of Referee Diamond.

b. The ex parte and corrupt designation of Referee Diamond, in addition to his lack of power is also asserted by petitioner.

c. The aforementioned constitutional and jurisdictional infirmities are known to WT&P and F&D, and they would never have been submitted to the respondent's tribunal unless reasonably certain there would be no adjudication with respect to same.

8. To repeat, the only relief requested from this Court at this time is for respondent, after a due process proceeding, render a determination as to the validity of all orders and decisions which have been thrust upon the respondent's tribunal by WT&P.

9a. For exposing judicial corruption in the New York-Second Circuit bailiwick, and for no other reason, petitioner has been barred from submitting his legal papers to those courts, absent permission, which can never be obtained.

b. Consequently, the only place that petitioner can obtain relief from these invalid orders is outside the New York-Second Circuit arena, when raised by his adversaries, which is the situation at bar."

6. In short, petitioner clearly articulated that he intended to commence a Dennis v. Sparks (supra) action against WT&P and their co-conspirators for their conduct in corrupting Judge Hargrove.

7a. The appointment of U.S. District Judge WILLIAM M. NICKERSON ["Nickerson"] and the assignment of Action #1 from Judge Hargrove to Judge Nickerson became an appropriate time to file a complaint against WT&P and others who had involved themselves in corrupting Judge Hargrove.

b. Judge Nickerson, shortly after such assignment, revealed his past association with WT&P, and requested that affirmant advise His Honor if he had any objection to His Honor acting as a jurist in the matter.

c. In a reasoned affirmation, petitioner responded in the negative, and under the circumstances, there was every indication that Judge Nickerson would remain on as the assigned jurist.

d. However, despite the lack of objection, Judge Nickerson, sua sponte, recused himself before His Honor acted on the U.S. Magistrate's recommendation of approval in this matter.

8a. There are indications that when Magistrate filed his recommendation, those involved, including Judge Hargrove and Chief U.S. District Judge ALEXANDER HARVEY II ["Harvey"], recognized the implications thereof.

b. Petitioner, in Action #2, of necessity, had to disclose some of his evidence of the corruption of Judge Hargrove.

c. Disciplinary filings against WT&P and their co-conspirators, also caused the disclosure of some of petitioner's evidence of judicial corruption in the District of Maryland.

d. In addition to being specifically named as a Dennis v. Sparks (supra) jurist, there was still outstanding, unadjudicated, petitioner's recusal affirmation of May 5, 1990.

e(1) In any event, Action #1 was re-assigned to and/or dragooned by Judge Hargrove to himself, and apparently a combination of both.

(2) Along with such re-assignment and/or dragooning procedures in Action #1, Action #2 was assigned to Judge Hargrove, although His Honor was specifically named therein as a Dennis v. Sparks (supra) corrupted jurist.

f. Petitioner's protest, both to Judge Hargrove was immediate and strong, and for two (2) months the Magistrate Goetz report remained unadjudicated.

g. In petitioner's petition to the Circuit Court the body of his petition, in full, of September 19, 1990, was as follows:

> "This affirmation is made in support of an affirmative stay compelling the immediate issuance of process by the U.S. District Court for the District of Maryland in Docket No. 90-1937, which application shall also serve as compliance with Rule 23 of the Rules of the United States Supreme Court.
>
> The complaint was filed on July 17, 1990, the U.S. Magistrate approved affirmant's 28 U.S.C. §1915 application, and since that time there has been an absence of overt judicial action.
>
> Assignment of this action to Hon. JOHN R. HARGROVE, a named Dennis v. Sparks (449 U.S. 24 [1980]) co-conspirator, is void.
>
> To say more would be supererogatory."

9a. In dismissing Action #1, based on the corruptly secured, void and irrelevant decisions of the New York-Second Circuit courts, Judge Hargrove without articulating any reason, dismissed Action #2.

b. As part of such dismissal, petitioner was sua sponte barred access to the federal courts in the district of Maryland, thus effectively immunizing, inter alia, those who corrupted His Honor.

REASONS FOR THE GRANT OF THIS WRIT

1a. This Court should emphatically set forth the proposition that a corrupted jurist and/or court cannot enjoin an action against those who corrupted the jurist and/or court.

b. To hold otherwise, the Dennis v. Sparks (supra) holding of this Court could easily be nullified by the lower courts, including the corrupted jurist himself.

2a. This Court should emphatically set forth the proposition that a named jurist, claimed to have been corrupted, cannot be assigned, nor can he dragoon to himself, an action wherein he is specifically named as a Dennis v. Sparks (supra) corrupted jurist (Liljeberg v. Health Services, 486 U.S. 847 [1988]; Aetna v. Lavoie, 475 U.S. 813 [1986]; Dr. Bonham's Case, 77 Eng. Rep. 647 [1610]; Day v. Savadge, 80 Eng. Rep. 235, 237 [1614]).

b. To hold otherwise would mean that a jurist could simultaneously preside at a trial and testify as a witness.

3a. This Court should emphatically set forth the proposition that the United States is a single judicial union, not composed of 94 judicial districts, with each district permitted to determine which cases it will entertain, the privileges and immunities and commerce clause notwithstanding (Barnard v. Thorstenn, 489 U.S. 546 [1989]; Shapiro v. Thompson, 394 U.S. 618 [1969]).

b. More egregious is the situation at bar, where a single district judge, without any due process procedures whatsoever, by an administrative ukase, determines for each and every judge in that district, that they will not hear cases against resident defendants and/or against those who commit tortious actions in that district.

4. Even if the decision of the Court in this matter could be legally justified, this Court should determine the question left undetermined in Neitzke v. Williams (490 U.S. , n. 8, 109 S.Ct. 1827 [1989]) as to whether a Court has the power to sua sponte dismiss a complaint under Rule 12(b)[6]).

5. In response to Barnard v. Thorstenn (supra), the Rules of the District Court of Maryland were amended effective July 1, 1989.

a. In view of Barnard v. Thorstenn (supra), and cases cited therein, including Shapiro v. Thompson (supra), this Court should determine whether Rule 102(1)(b)(ii) is constitutional.

b(1) Thus, under the present rules a resident of a state near or contiguous to Maryland needs a local address, while an attorney, pro hac vice, or an attorney involved in multi-district litigation does not, although he resides and practices law in Alaska, Hawaii, or Guam.

(2) Left for another day and a full briefing, are the numerous similar, vel non, rules of other judicial districts, which speak eloquently of the needless burden on commerce and the privilege immunities clauses of the U.S. Constitution of such discriminatory and irrational rules.

6a. The preclusive effect of orders and decisions of the New York-Second Circuit should be examined in the light of the fact that petitioner is denied access to the courts in the aforementioned bailiwick, even for coram nobis and Rule 60(b) relief.

b. This Court should also determine whether there are special immunities given to those who corrupt federal, as distinguished from state, jurists (cf. Dennis v. Sparks [supra]).

c. Contrariwise, this Court should also determine whether there can be placed unique insurmountable obstacles against those who give obedience to the Canons of Professional Responsibility, their societal obligations and their own vested interests by exposing judicial corruption (Holt v Virginia, 381 U.S. 131 [1965]).

Dated: February 13, 1991

Respectfully submitted,

GEORGE SASSOWER
Petitioner, pro se.
16 Lake Street,
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(914) 949-2169

CERTIFICATION OF SERVICE

On February 16, 1991, I served a true copy of this Petition by mailing same in a sealed postage paid envelope, first class, addressed to Hon. Kenneth W. Starr, U.S. Solicitor General and Assistant U.S. Attorney Barbara L. Hertig, 10th & Constitution Ave., Washington, D.C. 20530; Whiteford, Taylor & Preston, Esqs., Seven Saint Paul Street, Baltimore, Maryland 21202-1626; Quinn, Ward and Kershaw, P.A., 113 West Monument Street, Baltimore, Maryland 21201; Ass't. N.Y.S. Atty. Gen. Carolyn Cairns Olson, 120 Broadway, New York, New York 10271; Semmes, Bowen and Semmes, Esqs., 250 West Pratt Street, Baltimore, Maryland 21201; Snitow & Pauley, Esqs., 345 Madison Avenue, New York, N.Y. 10017, Eccleston & Wolfe, Esqs., 729 East Pratt Street, Baltimore, Maryland 21202, and the Circuit Court of Appeals for the Fourth Circuit, Tenth and Main Streets, Richmond, Virginia 23219, at their last known addresses.

Dated: February 16, 1991

GEORGE SASSOWER
Petitioner, pro se
16 Lake Street,
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(914) 949-2160

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

GEORGE SASSOWER,	*	FILED / LODGED / ENTERED / RECEIVED
Plaintiff	*	SEP 20 1990
v.	*	CIVIL ACTION NO. HAR-90-322
FIDELITY AND DESPOSIT INSURANCE COMPANY OF MARYLAND, et al.,	*	AT BALTIMORE CLERK U.S. DISTRICT COURT DISTRICT OF MARYLAND BY
Defendant	*	

* * * * * * * * * * * * * * * * * *

GEORGE SASSOWER,	*	
Plaintiff	*	
v.	*	CIVIL ACTION NO. HAR-90-1937
WHITEFORD, TAYLOR & PRESTON, et al.,	*	
Defendants	*	

filed: September , 1990

MEMORANDUM OPINION

Plaintiff George Sassower ("Sassower") has filed two separate complaints with this Court. Each complaint names many of the same Defendants and apparently arises out of the same set of circumstances. Therefore, these actions are consolidated and will be treated for all purposes as one case. This Court now reviews the complaints filed by Sassower. For a litany of reasons, this Court dismisses these actions with prejudice.

Plaintiff's history of filing suits against many of the listed Defendants is both long and well-documented. See, e.g., George

Sassower v. Dosal, __ F. Supp.__ (D. Minn. 1990), No.4-90-971, slip op. (D. Minn. Sept. 5, 1990); Polur v. Raffe, 727 F. Supp. 810 (S.D.N.Y. 1989); Raffe v. John Doe, 619 F. Supp. 891 (S.D.N.Y. 1985); Sassower v. Sansverie, 885 F.2d at 10; Raffe v. Citibank, N.A. (88 Civ. 305) (E.D.N.Y. Aug. 1, 1988,) aff'd mem, 779 F.2d 37 (2d Cir. 1985).

Sassower's lawsuits have become so common that in 1987 the Second Circuit Court of Appeals stated that it was "loath [sic] to expend more judicial resources on this vexatious litigant." Sassower v. Sheriff of Westchester County, 824 F.2d 184 (2d Cir. 1987). That court noted that "despite court orders disqualifying him from representing Raffe and enjoining him from filing Puccinni-related litigation ... Sassower has bombarded both the state and federal courts with numerous motions (over 300), lawsuits (35), Article 78 proceedings (40) directed against the receiver and his law firm, the attorneys for the other Puccinni shareholders, various members of the judiciary, court appointed referees, and the New York State Attorney General." Id., 824 F.2d at 186. Up to that point, Sassower had been held in criminal contempt four times and in civil contempt twice for violating state and federal orders. Id.

Sassower's repeated suits against these Defendants directly lead to his disbarment by the United States Supreme Court, New York, and the federal bar.[1] In disbarring Sassower, these courts

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[1]/ See, In the Matter of Disbarmentof George Sassower, 481 U.S. 1045 (1987); In re Sassower, 700 F. Supp. 100 (S.D.N.Y.); In re Sassower, 512 N.Y.S.2d 203 (198); In re Sassower N.Y.L.J.,

found that he had disregarded court orders and had engaged in "frivolous and vexatious litigation ... for the purpose of harrassing, threatening, coercing and maliciously injuring those made subject to it." Id. (citation omitted). See also, Dosal, slip op. at 1.

I.

Turning to the merits of Sassower's actions presently before this Court, we find nothing to distinguish these suits from the numerous claims which he has previously brought and which have been summarily dismissed. Sassower's claims provide us with numerous grounds for dismissal.

First, the cases at bar are both frivolous and wholly without merit. Sassower asserts a federal claim under 42 U.S.C. § 1983. However, following a complete and thorough review of his complaints, this Court fails to find any indication of state action requisite to bringing suit under this section. Finding no merit to Sassower's federal claims, the Court also notes that the state claims asserted are dismissed for lack of jurisdiction as no diversity of citizenship exists among the parties. 28 U.S.C. § 1332. Having fully reviewed these claims, the Court finds them totally lacking in merit.[2]

Feb. 27, 1987, at 36, col. 3 (2d Dep't Feb. 23, 1987)(per curium).

[2] Sassower's complaint also fails to comply with the requirements of Fed. R. Civ. P. 8(a), which states that "a pleading which sets forth a claim for relief...shall contain...(2) a short and plain statement of the claim showing that the pleader is entitled to relief...". His 101 page complaint is both rambling and incomprehensible.

Second, given that Sassower already has brought the same claims against many of the same defendants in other jurisdictions, he is estopped from again litigating these claims under the doctrine of res judicata and/or issue preclusion under collateral estoppel.

Third, in Raffe v. John Doe, 619 F.Supp. 891 (D.C.N.Y. 1985), the court permanently enjoined Sassower from "filing or serving, or attempting to intervene in or initiate any action or proceeding in any federal court or tribunal against" a number of the defendants he attempts to sue in the cases at bar. The specifically named defendants are: Lee Feltman; Karesh, Major & Farbman[3]; Puccini Clothes, Ltd.; Citibank, N.A.; Jerome H. Barr; Kreindler & Relkin, P.C.; Nachamie, Hendler & Spizz, P.C.[4]

In addition, the injunction forbids Sassower from bringing suit in federal court against "any representative, member, employee, associate, or affiliate of any of the above parties, the subject matter of which arises out of or relates to" several matters detailed in Raffe v. John Doe, 619 F. Supp. 891 (D.C.N.Y. 1985). See also Cohen v. Vilella, 88 Civ. 0621 (ERK). The matter before this Court appears to be related to these previously litigated issues. Further, many of the other defendants Sassower has named in the cases at bar fall into this category of persons.

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[3] The injunction listed "Feltman, Karesh & Major". This Court assumes that Defendant "Karesh, Major & Farbman" is a successor to that firm.

[4] The injunction listed "Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C." This Court assumes that Defendant "Nachamie, Hendler & Spizz, P.C." is a successor to that firm.

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Fourth, Sassower has violated Local Rule 102(1)(b)(ii), which states that "[i]f a pro se plaintiff resides outside of the District, that party shall keep on file with the Clerk an address within the District where notices can be served." Further, the rule states that if any pro se litigant fails to comply with the rule, the Court may enter an order dismissing any affirmative claims for relief filed by the party. Id. Sassower, a pro se plaintiff who resides outside of the district, has not kept on file with the Clerk an address within the District where notices can be served.

Furthermore, many of the named defendants are immune from suit. Defendant Dillon, the Nassau County District Attorney, has absolute immunity because Sassower's claims against him arise from acts falling within prosecutorial functions. See Groff v. Eckman, 525 F. Supp. 375 (E.D. Pa. 1981). Defendants Murphy, Riccobono, Dontzin, Gammerman, Klein, Saxe, Rettinger, Rubin, Diamond, and Wachtler are all New York state judges and are therefore absolutely immune from Sassower's suit for money damages.

Many other grounds also warrant dismissal in this case, but are simply too numerous to discuss here.[5] Sassower's persistent abuse of the litigation process and his continued efforts to harrass the defendants by bringing the cases at bar lead this court to enjoin Sassower from filing suits in this Court against the same defendants and relating to the same subject matter of these cases.

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[5] These grounds include improper venue, and absence of personal jurisdiction over defendants, to name a few.

Defendants' motions for dismissal are granted. It will be so ordered.

9/20/91
Date

John R. Hargrove
United States District Judge

A-6.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

GEORGE SASSOWER,	*	
Plaintiff	*	
v.	*	CIVIL ACTION NO. HAR-90-322
FIDELITY AND DESPOSIT INSURANCE COMPANY OF MARYLAND, et al.,	*	
Defendant	*	

GEORGE SASSOWER,	*	
Plaintiff	*	
v.	*	CIVIL ACTION NO. HAR-90-1937
WHITEFORD, TAYLOR & PRESTON, et al.,	*	
Defendants	*	

ORDER

For the reasons set forth in the foregoing Memorandum Opinion, IT IS this 20th day of September, 1990, by the United States District Court for the District of Maryland, hereby ORDERED:

1. That the above referenced action BE, and the same hereby IS, DISMISSED with prejudice.

2. That Plaintiff Sassower is hereby PERMANENTLY ENJOINED and RESTRAINED from filing or serving, or attempting to initiate any action or proceeding in this Court:

a) against any of the following parties: Fidelity and Deposit Company of Maryland; Lee Feltman; Karesh, Major & Farbman;

Puccini Clothes, Ltd.; Hyman Raffe; A.R. Fuels, Inc.; Eugene Dann; Robert Sorrentino; Kreindler & Relkin, P.C.; Citibank, N.A.; Jerome H. Barr; Nachamie, Hendler & Spizz, P.C.; Rashba & Pokart; Howard Bergson; Ira Postel; Francis T. Murphy; Xavier C. Riccobono; Michael J. Dontzin; Ira Gammerman; Alvin F. Klein; David B. Saxe; Martin H. Rettinger; Isaac Rubin; Donald Diamond; Sol Wachtler; George C. Pratt; Charles L. Brieant; Eugene H. Nickerson; William C. Connor; Robert Abrams; Andrew J. Maloney; Denis Dillon; Allyne Ross; Whiteford, Taylor & Preston; Stafford, Frey, Cooper & Stewart; General Insurance Company of America; Jeffrey A. Sapir; William L. Dwyer; James L. Oaks; Wilfred Feinberg; Nicholas H. Politan; Francis T. Murphy; and Martin Evans.

b) or relating to the same subject matter of the above referenced actions.

3. That in view of this opinion, all pending motions by Sassower in these cases are dismissed as moot.

4. That the Clerk of the Court CLOSE this case.

5. That the Clerk of the Court mail copies of this Order and the attached Memorandum Opinion to all parties of record.

John R. Hargrove
United States District Judge

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