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2/25/86*

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : SECOND DEPARTMENT

-----x  
GEORGE SASSOWER,

Petitioner,

Proceeding  
#1

GRIEVANCE COMMITTEE FOR THE SECOND AND  
ELEVENTH JUDICIAL DISTRICTS,

Respondent.

-----x  
In the Matter of GEORGE SASSOWER, an  
attorney and counselor-at-law,

GRIEVANCE COMMITTEE FOR THE SECOND AND  
ELEVENTH JUDICIAL DISTRICTS,

Petitioner,

Proceeding  
#2

GEORGE SASSOWER,

Respondent.

-----x  
Upon the annexed petition of GEORGE  
SASSOWER, Esq., duly sworn to on the 18th day of  
November, 1985, and all the pleadings and proceedings  
had heretofore herein let respondents show cause before  
this Court at a Stated Term of this Court held at the  
Appellate Division of the Supreme Court of the State of  
New York, Second Judicial Department, at the Courthouse  
thereof, 45 Monroe Place, Brooklyn, New York, 11201, on  
the *27* day of November, 1985, at 9:30 o'clock in the

*Received 11/20/85  
11:25 A.M.  
Robert A. Jones*

forenoon of that day or as soon thereafter as Counsel may be heard why an Order should not be entered (a) directing an immediate hearing to petitioner in Proceeding #1 on his claim of invidious and selective prosecution in Proceeding #2; (b) on whether Robert H. Straus, Esq., may act as the prosecuting attorney and/or lead prosecuting attorney in Proceeding #2; (c) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

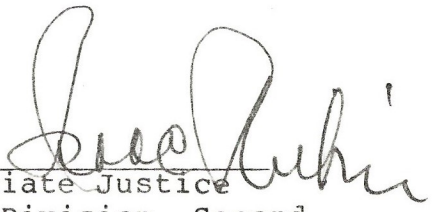
SUFFICIENT cause having been shown, let a copy of this Order together with the papers upon which it is based be <sup>personally</sup> served on the offices of the respondent <sup>on</sup> or before the ~~12~~ <sup>12noon on</sup> ~~th~~ <sup>both</sup> day of November, 1985, be deemed good and sufficient service, and it is further

~~ORDERED, that opposing papers, if any, are to be served upon respondent, on or before the ~~12~~ day of November, 1985, with additional days beforehand, if service is by mail.~~

*Wag*

Dated: Brooklyn, New York  
November 18, 1985

E N T E R

  
Associate Justice  
Appellate Division, Second  
Judicial Department.  
HON. ISAAC RUBIN  
ASSOCIATE JUSTICE  
APPELLATE DIVISION, 2nd DEPT.

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : SECOND JUDICIAL DEPT.

-----x  
GEORGE SASSOWER,

Petitioner,

Proceeding  
#1

GRIEVANCE COMMITTEE FOR THE SECOND AND  
ELEVENTH JUDICIAL DISTRICTS,

Respondent.

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In the Matter of GEORGE SASSOWER, an  
attorney and counselor-at-law,

GRIEVANCE COMMITTEE FOR THE SECOND AND  
ELEVENTH JUDICIAL DISTRICTS,

Petitioner,

Proceeding  
#2

GEORGE SASSOWER,

Respondent.

-----x  
TO THE HONORABLE JUSTICES OF THE APPELLATE DIVISION  
OF THE SUPREME COURT OF TH STATE OF NEW YORK: SECOND  
JUDICIAL DEPARTMENT.

Petitioner, in Proceeding #1,  
respectfully shows this Court and alleges:

1a. This petition seeks a hearing so that he  
may establish that he is made a Respondent in Proceeding  
#2 as a result of invidious and selective prosecution,  
constitutionally and by statute impermissible,  
compelling the dismissal of Proceeding #2; and/or  
whether Robert H. Straus, Esq., may act as the  
prosecuting attorney in Proceeding #2.

b. Petitioner makes such claim, while, with equal vehemence, asserting that the charges in Proceeding #2 are meritless, and having no fear of the outcome of such proceeding, given a fundamentally fair judicial proceeding.

c. Petitioner claims that a hearing based on selective and invidious prosecution, precedes the claims of the Grievance Committee ["Committee"] herein in Proceeding #2 (People v. Utica Daw's Drug, 16 A.D.2d 12, 225 N.Y.S.2d 128).

Indeed, substantial amount of the evidence to be produced on such claim of invidious and selective prosecution is material to Proceeding #2, and in the event Proceeding #1 is not sustained, petitioner would have no objection to its consideration in Proceeding #2.

2a. The general thrust of the Committee's complaint is that your petitioner engaged in vexatious and frivolous judicial proceedings, and indeed knowingly violated judicial orders in so doing.

b. The general response of your petitioner is that he was engaged in the professional obligatory search for truth and justice on behalf of his client, the task was performed with great integrity, and that the orders claimed to have been violated are null, void, and/or of no effect (United States v. Throckmorton, 98 U.S. 61).

Indeed, the pervasive fraud, perjury, and corruption involved in the underlying litigation, warrants the affirmative action by the committee for the purpose of having same declared a nullity (Hazal-Atlas v. Hartford-Empire, 322 U.S. 238; Universal v. Root, 328 U.S. 575).

3. The petition of the Committee, presumably prepared by its Counsel, and signed by its Chairperson, reveals that they are sufficiently familiar with this matter so that they can confirm that some of the more egregious disclosures which have been surfaced as a result of petitioner's efforts are:

a. Kreindler & Relkin, P.C. ["K&R"] and their clients "engineered" the larceny of the court entrusted assets of Puccini Clothes, Ltd. ["Puccini"], and no punitive action has been taken against it.

b. The clients of K&R, Citibank, N.A. ["Citibank"] and Jerome H. Barr, Esq. ["Barr"], were the recipients of some of such larcenous dissipated judicially entrusted assets, and no punitive action has been taken against them.

c. The firm of Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. ["ANBL&K"] was the recipient of some of such larcenous assets, and no punitive action has been taken against it.

d. K&R, prepared, and their clients executed, perjurious affidavits, vehemently denying such larceny, and no punitive action has been taken against it.

e. Acting contrary to the legitimate interests of its clients, ANBL&K had actual knowledge of such perjurious submission by K&R, but acting in unlawful concert with K&R, did not disclose same to the Court, knowing that such non-disclosure would result in a judgment against its clients of more than \$350,000, and no punitive action has been taken against it.

f. Acting contrary to the legitimate interests of his judicial trust, Lee Feltman, Esq. ["LF"], had actual knowledge of such perjurious submission by K&R, but acting in unlawful concert with K&R and ANBL&K, did not did not disclose same to the Court, knowing that it would result in a judgment against the judicial trust, Puccini, of almost \$500,000, and no punitive action has been taken against him.

g. Acting contrary to the legitimate interests of their judicial trust, Feltman, Karesh, & Major, Esqs. ["FK&M"], had actual knowledge of such perjurious submission by K&R, but acting in unlawful concert with K&R and ANBL&K, did not did not disclose same to the Court, knowing that it would result in a judgment against the judicial trust, Puccini, of almost \$500,000, and no punitive action has been taken against them.

h. Without openly disclosing to the Court that Rashba & Pokart ["R&P"] were and/or are the accountants for K&R and/or its clients, LF petitioned Hon. Martin H. Rettinger for their judicial appointment, as investigatory accountants for Puccini, when K&R was being accused of "engineering" the larceny of Puccini's assets, and no punitive action has been taken against them.

i. Without openly disclosing to the Court that Rashba & Pokart ["R&P"] had received "laundered" monies from ANBL&K, taken from Puccini, in payment of an invoice to K&R and/or its clients, LF petitioned Hon. Martin H. Rettinger for its judicial appointment, as investigatory accountants for Puccini, when ANBL&K was being charged as being a participant in this corrupt conspiracy, and no punitive action has been taken against him.

j. Indeed, in every action, proceeding, and/or motion, ANBL&K has acted contrary to the legitimate interests of its clients, and in consort with adverse interests, having been unlawfully paid-off from Puccini's judicially entrusted assets, and no punitive action has been taken against it.



k. In every action, proceeding, and/or motion, LF has acted contrary to the legitimate interests of his judicial trust, and in consort with adverse interests, his firm having been unlawfully paid-off from Puccini's judicially entrusted assets, and no punitive action has been taken against him.

l. In every action, proceeding, and/or motion, FK&M has acted contrary to the legitimate interests of their judicial trust, and in consort with adverse interests, they having been unlawfully paid-off from Puccini's judicially entrusted assets, and no punitive action has been taken against them.

m. ANBL&K, aided and abetted by K&R, "substituted", "switched", and "changed", the court judicial papers submitted to the Court from those served on petitioner, resulting in his void disqualification orders [Petition, Proceeding #2, Exhibits "E" and "F"] (United States v. Throckmorton, supra), and no punitive action has been taken against them.

n. On many occasions, including in the instance where the aforementioned disqualification orders were submitted to the Court, K&R, FK&M, and ANBL&K submitted and caused to be signed deceitful orders, and no punitive action has been taken against them.

o. Senior Attorney General David S. Cook, Esq. ["Cook"], the essentially one-man unit in the Attorney General's Office, assigned by statute to safeguard the interests of Puccini, from 1980 to January 1983, has shown a remarkable dereliction of statutory duty and obligation, and no punitive action has been taken against him.

p. Cook, since January 1983 to date, still the essentially one-man unit in the Attorney General's Office, assigned by statute to safeguard the interests of Puccini, having actual notice of the larceny of Puccini's judicially entrusted assets, continues to exhibit a remarkable dereliction of statutory duty and obligation, and no punitive action has been taken against him.

q. Cook, despite the aforementioned statutory obligation to Puccini, has undertaken to defend those who are charged with actively aiding and abetting the "rape of Puccini", including Referee Donald Diamond, Hon. Xavier C. Riccobono, and Hon. Ira Gammerman, and no punitive action has been taken against him.

r. Indeed, Cook, despite the the mandatory statutory mandatory obligation, has refused to join in any demand for an accounting of Puccini, final or intermediate, since June 4, 1980, when Puccini was involuntarily dissolved, and no punitive action has been taken against him.

s. Indeed also, Cook, taking advantage of the confidential, and constitutionally protected information given him by petitioner and others, only by virtue of his office, has used such information to the disadvantage of Puccini, and no punitive action has been taken against him.

t. Robert H. Straus, Esq. ["Straus"], Chief Counsel for the Committee, by reason of his position, is extraordinarily familiar with the duties and obligations of attorneys under "Code of Professional Responsibility", and in particular with Disciplinary Rules 1-102 and 1-103; familiar with the aforementioned vast amount of unrefuted evidence in support of petitioner's claims against K&R, Citibank, Barr, ANBL&K, LF, FK&M, Cook, and others; has, nevertheless, on information and belief, failed and refused to take any action under the aforementioned disciplinary rules, and no punitive action has been taken, nor will be taken, against him.

u. Straus, with the ethical and professional obligations akin to a public prosecuting attorney, on information and belief, knowing that he does not have a single reputable judge or lawyer in the United States willing to testify under oath that he believes that the Orders under which he bottoms Charges One, Two, and Three against petitioner, are constitutionally valid, nevertheless, lodged charges against petitioner based upon such Orders, and no punitive action has been taken, nor will be taken, against him.

v. Straus, on information and belief, with actual knowledge, that the Orders on which he bases Charges One, Two, and Three, patently transgresses the power and authority of every american and state judge and court, nevertheless, has brought meritless charges against the petitioner, and no punitive action has been taken, nor will be taken, against him.

w. Straus, on information and belief, with knowledge, actual or constructive, that the actions, proceedings, and motions on which he basis Charge Four were reasonably necessary to protect petitioner's client's, as well as his own, rights, and/or to expose the corruption herein, has nevertheless brought a knowingly meritless charge against petitioner, and no punitive action has been taken, nor will be taken, against him.

x. Straus, on information and belief, with knowledge, actual or constructive, that most of the Orders mentioned in Charge Five of the petition, in Proceeding #2, are the product of fraud and corruption, has nevertheless brought a knowingly meritless charge against petitioner, and no punitive action has been taken, nor will be taken, against him.

y. Straus, on information and belief, with knowledge, actual and/or constructive, that the basis of Charge Six was and is the product of improper, unethical, illegal, unlawful, and coerced communications between petitioner's client and adversary counsel has, nevertheless seized upon such invalid, corrupt, and void communication in order to bring an otherwise meritless charge against petitioner, and no punitive action has been taken, nor will be taken, against him.

z. Straus, on information and belief, with knowledge, actual and/or constructive, that Charge Seven is false, contrived, as a matter of law and fact, has nevertheless brought a charge against petitioner in Proceeding #2, when instead, he should have taken affirmative action to nullify an "out-of-orbit" (unconstitutional and invalid) corruptly secured judicial decree, which inter alia, jeopardizes the very existence of disciplinary bodies of this state in its most quintessential respect, and no punitive action has been taken, nor will be taken, against him.

4a. In short -- the Grievance Committee of the Second and Eleventh Judicial Districts, acting through Robert H. Straus, Esq., have become part and parcel of a joint attempt to deprive petitioner of his constitutional right of equal protection, applicable to all branches of government (Shelley v. Kraemer, 334 U.S. 1); made petitioner the subject of invidious and selective prosecution (Yick Wo v. Hopkins, 118 U.S. 356), and is attempting to deprive petitioner of his First Amendment, and other, fundamental rights.

b. Consequently, petitioner in proceeding #1 is entitled to a hearing to determine whether proceeding #2 may be presented and prosecuted (People v. Utica Daw's Drug, supra), and whether Straus may ethically and legally act as the prosecutor.

5. The within special proceeding is without prejudice to the pending action and proceeding, at nisi prius, wherein the Committee is a co-respondent and co-defendant, and wherein the Committee is represented by Cook's alter ego, who also represents Cook and others who have conflicting interests to that of the Committee and Straus, vis-a-vis petitioner herein.

WHEREFORE, it is respectfully prayed that this petition be granted in all respects, together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

Dated: November 18, 1985

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GEORGE SASSOWER



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

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

                  Deponent is the petitioner herein, has  
read the foregoing petition and knows the contents  
thereof, the same is true to his own knowledge except as  
to matters stated therein on information and belief, and  
as to those matters he believes same to be true.

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                  GEORGE SASSOWER

Sworn to before me this the  
18th day of November, 1985