

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

----- X

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

GRIEVANCE COMMITTEE FOR THE SECOND AND ELEVENTH JUDICIAL DISTRICTS, : SUPPLEMENTAL AFFIRMATION

Petitioner, :

GEORGE SASSOWER, :

Respondent. :

----- X

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

ROBERT H. STRAUS, an attorney duly admitted to practice law in the State of New York, affirms the following, under penalty of perjury:

1. I am Chief Counsel to the Grievance Committee for the Second and Eleventh Judicial Districts, the petitioner. I am fully familiar with the relevant facts and circumstances.
2. This supplemental affirmation is submitted in support of the within motion to suspend the respondent from the practice of law based upon his convictions of serious crimes, and for such other relief as the Court may deem just and proper.
3. On September 13, 1985 the United States Court of Appeals for the Second Circuit affirmed respondent's conviction of criminal contempt based upon his failure to comply with an

order of Judge Eugene Nickerson of the District Court of the Eastern District of New York. This conviction constitutes an additional "serious crime" not previously brought to this Court's attention. A copy of the affirmance is annexed as EXHIBIT A.

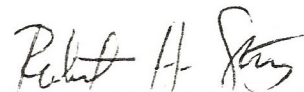
4. On September 17, 1985, respondent's conviction of criminal contempt, embodied in the June 26, 1985 order of Judge Alvin F. Klein, was affirmed by the Appellate Division, First Judicial Department (EXHIBIT B).

5. On September 17, 1985, respondent's conviction of criminal contempt, embodied in the June 26, 1985 order of Judge David B. Saxe, was affirmed by the Appellate Division, First Judicial Department (EXHIBIT C).

WHEREFORE, it is respectfully requested that an order be made and entered herein:

Suspending the respondent, GEORGE SASSOWER, as an attorney and counselor-at-law, based upon his conviction of a "serious crime," pursuant to Judiciary Law, Section 90, subd. (4) (f).

Dated: Brooklyn, New York  
September 30, 1985



---

ROBERT H. STRAUS

## United States Court of Appeals

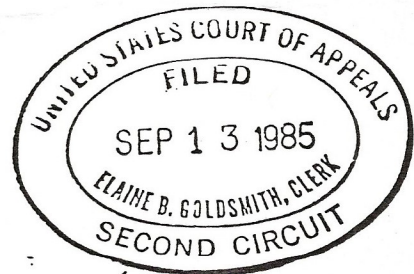
FOR THE  
SECOND CIRCUIT

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 13th day of September, one thousand nine hundred and eighty-five.

Present:

HONORABLE WILFRED FEINBERG,  
Chief Judge

HONORABLE IRVING R. KAUFMAN,

HONORABLE THOMAS J. MESKILL,  
Circuit Judges.

-----x  
HYMAN RAFFE, individually and on behalf  
of PUCCINI CLOTHES, LTD.,

Plaintiffs-Appellants,

- against -

85-7251  
85-7471

CITIBANK, N.A., et al.,

Defendants-Appellees.  
-----x

Appeal from the United States District Court for the Eastern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Eastern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged and decreed that the judgment of said district court is AFFIRMED.

1. We find that the fee requests submitted by the defendants' counsel are in compliance with the standards set forth in New York Association for Retarded Children v. Carey, 711 F.2d 1136, 1147-48 (2d Cir. 1983).

2. We reject appellants' apparent claim that an evidentiary hearing was required on the fee awards; since appellees established a reasonable basis on which to award fees and the district court heard any objections thereto, it did not abuse its discretion in not holding an evidentiary hearing.

EX A

3. Since an award of fees to the defendants in this case has already been affirmed by this court by summary order dated January 22, 1985, any claim that the Attorney General is not entitled to fee is barred by the doctrine of res judicata.

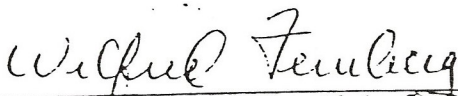
4. Appellants' objection to Judge Nickerson's method of calculating fees is meritless in light of authority in this circuit supporting similar computations. *New York Association for Retarded Children v. Carey*, 711 F.2d at 1146.

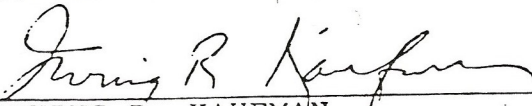
5. Because the basis of the contempt order was appellants' failure to respond to orders requiring their testimony, not the non-payment of the judgment, appellants' jurisdictional objection to the contempt order is groundless. Furthermore, we find appellants' claims that they made full payment prior to the contempt order unsupported by the record.


6. We are particularly unimpressed with appellants' excuses for their numerous defaults and their attempts to shift the burden to appellees on the basis of one late appearance by their counsel.

7. Finally, we find Judge Nickerson's contempt order appropriate under the circumstances. We have reviewed appellants' claim that criminal contempt entitles them to a hearing and find no merit to appellants' procedural objections, in view of their failure to respond adequately to Judge Nickerson's order to show cause and the statement in Mr. Sassower's affidavit dated June 6, 1985, that no personal appearance was necessary.

8. We have considered all of appellants' arguments and find them to be without merit.

  
\_\_\_\_\_  
WILFRED FEINBERG, Chief Judge

  
\_\_\_\_\_  
IRVING R. KAUFMAN,

  
\_\_\_\_\_  
THOMAS J. MESKILL,  
Circuit Judges.

N.B. Since this statement does not constitute a formal opinion of this Court and is not uniformly available to all parties, it shall not be reported, cited or otherwise used in unrelated cases before this or any other court.



At a term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York, on September 17, 1985

Present—Hon. Theodore R. Kupferman, Justice Presiding
Joseph P. Sullivan
David Ross
Arnold L. Fein
Ernst H. Rosenberger, Justices.

-----X
Hyman Raffe, Plaintiff-Appellant,
George Sassower, Esq. and Sam Polur, Esq., Appellants,
Xavier C. Riccobono, Donald Diamond, Feltman, Karesh & Major, Esqs. and Kreindler & Relkin, P.C., Defendants-Respondents.
Hyman Raffe, Plaintiff-Appellant,
George Sassower, Esq., Appellant, 24069
-against-
Kreindler & Relkin, P.C., Hon. Walter M. Schackman, "John Doe", and "John Roe", names fictitious, persons intended to be those who communicated with the Court, ex parte, Defendants-Respondents.
Hyman Raffe, Plaintiff-Appellant,
George Sassower, Esq., Appellant,
-against-
Donald B. Relkin, Esq., Michael J. Gerstein, Esq., Kreindler & Relkin, P.C., Citibank, N.A. and Jerome H. Barr, Esq., individually and as Executors of the Will of Milton Kaufman, Defendants-Respondents.
-----X

An appeal having been taken to this Court by the above-named appellants from an order of the Supreme Court, New York County (Alvin Klein, J.), entered on July 1, 1985,

And said appeal having been argued by George Sassower of counsel for

EB

APPEAL NO. 24069 CONID.

appellants, by Donald F. Schneider of counsel for respondent Feltman, Karesh & Major, Esqs., and by Michael J. Gerstein of counsel for respondents Citibank, Barr, Kreindler & Relkin, Donald Relkin and Michael J. Gerstein; and due deliberation having been had thereon,

It is unanimously ordered that the order so appealed from be and the same hereby is affirmed, without costs and without disbursements.

ENTER:

HAROLD J. REYNOLDS  
Clerk.

At a term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York, on September 17, 1985

Present—Hon. Theodore R. Kupferman, Justice Presiding  
Joseph P. Sullivan  
David Ross  
Arnold L. Fein  
Ernst H. Rosenberger, Justices.

----- -x

Hyman Raffe,  
Plaintiff-Appellant, :  
George Sassower, Esq., :  
Appellant, :  
-against- : 24070  
Feltman, Karesh & Major, :  
Defendant-Respondent.

----- -x

An appeal having been taken to this Court by the above-named appellants from an order of the Supreme Court, New York County (David Saxe, J.), entered on July 1, 1985,

And said appeal having been argued by George Sassower of counsel for appellants, and by Donald F. Schneider of counsel for respondent; and due deliberation having been had thereon,

It is unanimously ordered that the order so appealed from be and the same hereby is affirmed, without costs and without disbursements.

ENTER:

HAROLD J. REYNOLDS  
Clerk.

SC

Sir: Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 19

Dated, Yours, etc.

**ROBERT H. STRAUS**

Attorney for GRIEVANCE COMMITTEE  
Office and Post Office address

**210 Joralemon Street**

Borough of Brooklyn Brooklyn, N.Y. 11201

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.

**ROBERT H. STRAUS**

Attorney for GRIEVANCE COMMITTEE  
Office and Post Office Address

**210 Joralemon Street**

Borough of Brooklyn Brooklyn, N.Y. 11201

To

Attorney(s) for

Index No. 19

Supreme Court of the State of New York  
Appellate Division — Second Judicial  
Department

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

GRIEVANCE COMMITTEE FOR THE  
SECOND AND ELEVENTH JUDICIAL  
DISTRICTS,

petitioner,

GEORGE SASSOWER,

Respondent.

SUPPLEMENTAL AFFIRMATION  
AND EXHIBITS

**ROBERT H. STRAUS**

Attorney for GRIEVANCE COMMITTEE  
Office and Post Office Address, Telephone

**210 Joralemon Street**

Borough of Brooklyn Brooklyn, N.Y. 11201  
(212) 624-7851

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....

Attorney(s) for

*Sub 40*

*4/30*  
*5/4*  
*5/4*

*2'*