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THE REFEREE: Is that the end of the statement? Just read your statement. Let's get through with the statement, sir.

MR. SASSOWER: Has there been any --

THE REFEREE: No, no. Are you all through with your statement?

MR. SASSOWER: Has there been any Order from the -- or any word from the Appellate Division with respect to my request as to what is needed for a public hearing?

MR. STRAUS: Mr. Sassower, you would know that. I wouldn't know that; neither would Judge Potoker.

MR. SASSOWER: I didn't hear from them.

THE REFEREE: Tomorrow you will call the Clerk's Office and find out what happened to your --

MR. STRAUS: You requested a public hearing; is that right?

MR. SASSOWER: Yes.

MR. STRAUS: I got a copy of the letter. I haven't heard from the Appellate Division.

MR. SASSOWER: I haven't heard from them. That is all I wanted to say.

MR. STRAUS: Unless we hear to the contrary, this hearing is confidential.

MR. SASSOWER: That is not how I read it.

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2 MR. STRAUS: I think you have to make a formal
3 request.

4 MR. SASSOWER: I asked them. They haven't
5 answered it. I made a request. O.K.

6 MR. STRAUS: And I am sure if Judge Potoker
7 is to conduct it publicly, he will do so.

8 THE REFEREE: By all means.

9 MR. SASSOWER: The Court of Appeals has said --

10 THE REFEREE: You make your application before
11 the Appellate Division tomorrow. You can call the Clerk
12 and find out what happened to your application.

13 Or, look at today's Law Journal to see if
14 there is any decision.

15 MR. SASSOWER: It has not been printed.

16 THE REFEREE: It may be.

17 MR. SASSOWER: Will these hearings be in
18 Queens or Brooklyn?

19 THE REFEREE: Let's continue with your state-
20 ment.

21 MR. SASSOWER: I have to know.

22 THE REFEREE: In Brooklyn.

23 MR. SASSOWER: Will it be on a day-to-day
24 basis?

25 THE REFEREE: No. Day by day, yes; not con-

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2 consecutive days.

3 MR. SASSOWER: Consecutive days?

4 THE REFEREE: No.

5 MR. STRAUS: I certainly would object to
6 that, consecutive days.

7 THE REFEREE: My schedule does not permit it.
8 I can't do it.

9 MR. STRAUS: Personally --

10 MR. SASSOWER: How many days a week?

11 THE REFEREE: All I can give you is two days:
12 Tuesday and Thursday.

13 MR. STRAUS: I would certainly --

14 THE REFEREE: That, of course, depends upon
15 Mr. Straus' schedule, too. If, for instance, he cannot
16 make it on a certain Tuesday or Thursday, then, of course,
17 he can't be here.

18 MR. STRAUS: It should be noted that Mr.
19 Sassower is not under suspension at this time.

20 MR. SASSOWER: I don't take any cases. It is
21 unfair to a client.

22 THE REFEREE: You don't take any cases?

23 MR. SASSOWER: That is right.

24 THE REFEREE: You are not suspended from tak-
25 ing any cases.

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2 MR. SASSOWER: Why should I take a case that
3 is going to last two years?

4 THE REFEREE: Will you finish your statement?

5 MR. STRAUS: I interrupted you, I am sorry,
6 Judge Potoker.

7 THE REFEREE: He had a question.

8 MR. SASSOWER: If you are impatient --

9 THE REFEREE: No, sir. You told me, originally,
10 that you wanted to make a statement.

11 MR. SASSOWER: That is right.

12 THE REFEREE: And I said: O.K. So, make your
13 statement. Then, if you want to add to it, you will
14 tell me.

15 MR. SASSOWER: My statement includes that I
16 understand the practice is to sign subpoenas and subpoena
17 duces tecum in blank for the Grievance Committee.

18 At the last hearing I had, the Grievance Com-
19 mittee subpoenaed anybody that I wanted, because they felt
20 this was the way to do it.

21 What I would like done here is to have the
22 subpoenas signed in blank for me, with the notation con-
23 tained thereon that the subpoena was signed in blank, and
24 it does not have to be responded to until communicated
25 with.

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2 THE REFEREE: I will not sign any subpoena in
3 blank. I never did it, and I will never do it.

4 MR. STRAUS: I would certainly object to it.

5 THE REFEREE: I will not do it, period.

6 MR. SASSOWER: Aren't they signed in blank?

7 MR. STRAUS: Absolutely not. If we submit
8 a subpoena, it is completely filled out. The Court does
9 not sign subpoenas in blank.

10 MR. SASSOWER: My impression was that in far
11 away Counties, this is the way to do it.

12 MR. STRAUS: I know what the law requires.

13 THE REFEREE: Contine, sir. Go ahead. Mr.
14 Sassower, continue.

15 MR. SASSOWER: Are subpoenas signed for these
16 hearing s by his Honor; or, do I present them to the
17 Appellate Division?

18 MR. STRAUS: I think they have to be -- I
19 am looking for the Section. I think they have to be
20 signed in the Appellate Division.

21 MR. SASSOWER: O.K.

22 MR. STRAUS: I am looking for the Section right
23 now.

24 MR. SASSOWER: That is your practice, that you
25 have them signed by the Appellate Division rather than the

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Referee?

MR. STRAUS: Yes; I believe the practice is to have the Appellate Division sign them.

MR. SASSOWER: I will follow the same practice. No problem.

THE REFEREE: O.K.

MR. SASSOWER: I say here that opinions must be supported in such manner as to submit to cross examination.

THE REFEREE: What opinions?

MR. SASSOWER: Any opinions said in a statement; because if your Honor gives -- I will give your Honor an example. If your Honor is tendered an opinion by the Court which, indeed, was rendered by giving the Judge one set of papers --

THE REFEREE: I have already ruled/ I will not go behind the Judge's Order.

MR. SASSOWER: Would you modify that statement, your Honor, by saying: Mr. Sassower, I will reserve decision on that?

THE REFEREE: I have already said that.

MR. SASSOWER: We will start with a clean slate.

THE REFEREE: I said that.

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MR. SASSOWER: O. K. That's it.

When do we start? I would prefer it to be as soon as possible.

And, your Honor, I am going to say this: Everything I have done is without prejudice to an application to the Appellate Division.

Tuesday and Thursday, two days a week, is completely unsatisfactory.

THE REFEREE: All right. What dates are you people available?

MR. SASSOWER: Tuesday and Thursday I assume will be an entire day?

MR. STRAUS: We will hope to start in the morning, and we will work the entire day.

MR. SASSOWER: Can I expect this from your Honor? Judge Stecher, who I have a number of cases with, expects counsel's presence at the call of the calendar, which is Tuesday morning.

THE REFEREE: You see, Mr. Straus raised that question a moment ago.

MR. SASSOWER: All I want is a letter from your Honor asking Judge Stecher, as a courtesy, to excuse my personally answering the calendar. That's all. That's all I want. I don't want to start at eleven o'clock.

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2 MR. STRAUS: This is a disciplinary proceed-
3 ing. Disciplinary proceedings have a preference, and they
4 are entitled to a preference. And you can always indicate
5 to a Court that you are the subject of a disciplinary pro-
6 ceeding and that you must appear at a disciplinary pro-
7 ceeding.

8 MR. SASSOWER: Do I have to publicize this?

9 MR. STRAUS: You don't have to indicate that
10 you are the subject of the disciplinary proceeding. How-
11 ever you can tell the Court that you are involved in a
12 disciplinary proceeding. You can do it any way you want.

13 MR. SASSOWER: All I am saying is this: I
14 don't want to have to be here to say: I submit for the
15 motion. I can be here an hour earlier if I do not have
16 to say: I submit for the motion.

17 MR. STRAUS: O.K.

18 MR. SASSOWER: I don't think that is too much
19 of an inconvenience for anybody.

20 MR. STRAUS: Mr. Sassower, do you have your
21 calendar available?

22 MR. SASSOWER: I can cancel everything. I
23 told you, I am ready to start tomorrow.

24 MR. STRAUS: O.K.

25 MR. SASSOWER: If his Honor wants a memorandum

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of law by nine-thirty, he will have the memorandum of law by nine-thirty in the morning.

MR. STRAUS: The first available date we have is February 20.

MR. SASSOWER: Absolutely not.

MR. STRAUS: We don't have a date available before that. The first date that is available, in which the court reporter will be available, and a court house will be available, because they are in use, is February 20. There are other --

THE REFEREE: Are you available on the 20th, Mr. Sassower? You indicated that you are available any day.

MR. SASSOWER: I am going to cancel everything. On February 21 I am supposed --

THE REFEREE: February 20.

MR. STRAUS: February 20 is a Thursday.

MR. SASSOWER: On February 21 --

THE REFEREE: February 20.

MR. SASSOWER: I am available.

MR. STRAUS: We will put that down as the first day.

MR. SASSOWER: That is what day?

THE REFEREE: That is a Thursday?

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MR. STRAUS: Thursday.

MR. SASSOWER: Also --

THE REFEREE: Mr. Straus, your office will notify me, and Mr. Sassower, which Court House.

MR. STRAUS: We will ask the Appellate Division to make arrangements. It is, usually, 15 Willoughby.

MR. SASSOWER: I don't want it there.

MR. STRAUS: Why is that?

MR. SASSOWER: Because that is --

THE REFEREE: Mr. Sassower, we don't have any other space available, believe me.

MR. SASSOWER: Judge, I prefer -- Do you make the request of the Appellate Division? If you do make the request of the Appellate Division, I will put in my preference. When you make the request --

MR. STRAUS: We don't make a request with a preference. We have enough trouble getting a Court Room.

MR. SASSOWER: Your Honor, I mean no discourtesy. Right now I am inclined to state, in view of my application to the Appellate Division, I cannot continue on Tuesday and Thursday, dragging this out.

Secondly --

THE REFEREE: The first date is February 20.

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MR. SASSOWER: May I ask you, your Honor --

THE REFEREE: February 20 is a firm date for the first hearing at whatever place is available in Brooklyn, that is, whatever Court House is available.

The date. after that, the 25th or the 27th.

MR. STRAUS: I will hold open the 25th and the 27th.

MR. SASSOWER: The next date would be the 25th?

THE REFEREE: The 25th.

MR. SASSOWER: I would assume it is every Tuesday and Thursday?

MR. STRAUS: Wait a minute. We don't know how many days it is going to be, to start with.

THE REFEREE: I will just firm up those two dates, the 25th and the 27th. And, thereafter --

MR. SASSOWER: Three dates should be sufficient. Which date is that?

MR. STRAUS: The 25th and the 27th.

THE REFEREE: And, of course, the date already agreed upon is the 20th.

MR. SASSOWER: Number 1. Your Honor, could you tell me, offhand, what particular subjects your Honor would like a memorandum of law; and on what date you would want it?

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2 THE REFEREE: As to whether or not I have a
3 right to go behind the scenes with respect to any of the
4 Orders already submitted and entered by Judges.

5 MR. SASSOWER: When would you like that by?

6 THE REFEREE: Any time before the 20th.

7 MR. SASSOWER: I will give it to you within a
8 week.

9 THE REFEREE: Any time before the 20th.

10 MR. STRAUS: I would like enough time, certainly,
11 ly, before that so I might respond, if there is anything
12 to respond to.

13 So, I think it should probably be a week, at
14 least, before the 20th.

15 MR. SASSOWER: Where should I send it?

16 THE REFEREE: You can address it to me at the
17 Supreme Court, Special Term Part V, 19th floor, 111
18 Livingston Street, Brooklyn, New York 11201.

19 MR. SASSOWER: O.K.

20 Mr. Straus, as soon as I get a draft ready --
21 a draft -- without the corrections, and everything else,
22 I will send you the draft so you can start working on it.

23 MR. STRAUS: I would prefer to get a copy of
24 the document that you are delivering to Judge Potoker.

25 MR. SASSOWER: I want to patch it up.

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2 MR. STRAUS: I don't want a draft. I want
3 a copy of whatever documents you serve on Judge Potoker.
4 I do not want a draft which you will modify.

5 MR. SASSOWER: Will you listen to me?

6 THE REFEREE: Anything you send to me I as-
7 sume you are going to send to Mr. Straus. He has a right
8 to respond to it.

9 MR. SASSOWER: I am going to send, probably
10 within the next couple of days, drafts of all memoranda,
11 without sending it to Judge Potoker. Then, I will take
12 a couple more days, or a week, to fix them up, to patch
13 them up, to do a lot of things with them.

14 But, so that you may have as much time as
15 possible, I will give you my preliminary draft. I am not
16 going to send it to the Judge. The Judge I will send a
17 final copy, and a copy to you. I am giving you more
18 time, that's all.

19 MR. STRAUS: Mr. Sassower, so long as I have
20 a copy of the papers that you serve on Judge Potoker at
21 least a week before the February 20th hearing date, I
22 will be satisfied.

23 I mean, it would be nice if you are going to
24 send me modifications, drafts, or whatever. I really
25 don't need them. If you want to send me the final

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version within a week, that will be fine.

MR. SASSOWER: You will not object?

MR. STRAUS: I will not object.

MR. SASSOWER: I am not going to communicate with the Judge unless I send you a copy.

MR. STRAUS: No objection.

MR. SASSOWER: I think it would considerably shorten the time, your Honor, of the hearings, and add clarity to the issues, if I am permitted to serve interrogatories on Mr. Straus, and a notice to admit. Now, on a notice to admit, the law says 20 days. I would like to cut it down to 15 days in case Mr. Straus --

MR. STRAUS: I don't know why you need formal motions. Maybe it is something I can give you.

MR. SASSOWER: I want a notice to admit.

MR. STRAUS: What is it you want? That is one of the purposes of a pre-hearing conference, so you can be ready for your hearing.

MR. SASSOWER: I want to thknk about it, in view of what his Honor stated. If his Honor changes his mind, my notice to admit will be different; my interrogatories will be different.

But, his Honor, at least, was honest and frank enough to say: this is my feeling. If his Honor

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2 changes his mind, my notice, of course, to admit and my
3 interrogatories would be all immaterial.

4 MR. STRAUS: What you are asking for is going
5 to require a ruling by the Referee. We have firm dates
6 for the hearing. The nature of your requests prior to
7 this have been, I think, entirely inappropriate.

8 MR. SASSOWER: With a notice to admit, you
9 either admit or deny it, even if it is irrelevant.

10 MR. STRAUS: The purpose of the pre-hearing
11 conference was to define the issues. That is what we
12 have done today. I thought that was the purpose of this
13 conference.

14 THE REFEREE: Yes, you are right. I stated
15 that.

16 MR. SASSOWER: It is certainly not my pur-
17 pose.

18 THE REFEREE: I said at the start of the hear-
19 ing today that the purpose of the pre-trial conference
20 was to narrow the issues and to set the date for haring.

21 MR. SASSOWER: There are no issues to be
22 narrowed.

23 THE REFEREE: We realize that, because of the
24 position you have taken.

25 MR. SASSOWER: In every trial, criminal or civil,

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2 I am entitled to certain disclosures. Now, the question
3 is: if I serve you with a notice to admit, relevancy has
4 nothing to do with it.

5 MR. STRAUS: Which is always a possibility.

6 MR. SASSOWER: I try not to. We may disagree.

7 MR. STRAUS: If you are going to request some-
8 thing, I don't want to set aside a firm date for a hearing
9 if we are still up in the air as to materials which must
10 be subject to a ruling by the Referee. And I don't want
11 the Court to arrange a hearing date, which I believe is
12 a firm date at this point, if there are additional issues
13 to be raised.

14 MR. SASSOWER: I am going to serve you with
15 a notice to admit, and interrogatories, by the very
16 early part of next week. If you see you have a problem
17 with it, then I assure you that you can discuss it with me
18 and discuss it with his Honor.

19 MR. STRAUS: No. We will have to have another
20 conference with the Referee if that should arise. I
21 am not going to discuss it with you over the telephone,
22 and I am not going to discuss it with Judge Potoker over
23 the telephone.

24 MR. SASSOWER: I assume, Mr. Straus, you
25 know that objections on a notice to admit are extremely

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2 limited.

3 MR. STRAUS: So is the subject matter of the
4 notice to admit. What are we talking about, Mr. Sassower?
5 You have been served with a petition. You have answered.
6 You have not served me with a notice prior to this pre-
7 hearing conference.

8 MR. SASSOWER: I am going to do it.

9 MR. STRAUS: I would suggest we remove the
10 dates we have fixed at this point, and that we arrange
11 for another pre-hearing conference, based on whatever it
12 is you want from me, because I don't know what the issues
13 will be after you have made your request. If it requires
14 a ruling by the Referee, I don't want to have firm dates
15 set for hearings.

16 MR. SASSOWER: Mr. Straus, this is what I
17 prefer. I came all the way from White Plains. I have a
18 very limited time.

19 MR. STRAUS: Perhaps if you had served me
20 before this hearing --

21 MR. SASSOWER: Didn't you tell me in your
22 papers --

23 MR. STRAUS: When did you serve me with a no-
24 tice to admit, or interrogatories? Have you done that?
25 He said: Wait until we have a conference with the Hearing --

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2 MR. SASSOWER: I asked for a discovery. You
3 said: Wait a second. I asked for discovery. You said you
4 would not do it until you have a pre-trial conference

5 MR. STRAUS: Make your request for a discovery.

6 MR. SASSOWER: I am making numerous requests
7 for a discovery.

8 MR. STRAUS: What is it you want?

9 MR. SASSOWER: It is not really a discovery.
10 I want interrogatories answered. O.K.? It is not really
11 a discovery. I want something like a pseudo examination
12 before trial.

13 MR. STRAUS: I didn't say, examine you.

14 MR. STRAUS: I am not a witness.

15 THE REFEREE: Mr. Sassower, we will see you on
16 February 20.

17 MR. SASSOWER: I will serve a notice to admit
18 in the meantime.

19 THE REFEREE: The first hearing is set for
20 the 20th. We have backup dates of the 25th and the 27th.

21 MR. SASSOWER: Your Honor, let me make my
22 point clear.

23 THE REFEREE: You are going all over the lot.

24 MR. SASSOWER: I asked for a discovery before.
25 I asked for a discovery.

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2 THE REFEREE: 360 degrees circle again. You
3 come right back all over again.

4 MR. SASSOWER: Judge, have you made your de-
5 cision already?

6 MR. STRAUS: As to what?

7 MR. SASSOWER: Everything.

8 MR. STRAUS: He hasn't heard any testimony.

9 MR. SASSOWER: Fine.

10 MR. STRAUS: Nor has he received any testimony.

11 MR. SASSOWER: I have asked for a discovery,
12 which has been put off.

13 THE REFEREE: Waht discovery?

14 MR. STRAUS: What do you want?

15 MR. SASSOWER: I will send it to you. I will
16 send it to you.

17 THE REFEREE: Believe me, Mr. Straus, if his
18 notices hold up the scheduled date of the first hearing,
19 we will postpone it.

20 MR. SASSOWER: I will send it within a couple
21 of days, sir.

22 THE REFEREE: If you need more time, forget
23 the 20th, the 25th and the 27th.

24 MR.SASSOWER: I am going to send it to you
25 promptly. It won't be onerous.

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2 THE REFEREE: It is not when; it is what is
3 in it that may be troublesome.

4 MR. STRAUS: I had hoped -- in our discussions
5 when you mentioned discovery, I made it very clear to you
6 that your request for discovery should be determined by
7 the Referee at the pre-hearing conference.

8 MR. SASSOWER: No.

9 MR. STRAUS: I told you I had no exculpatory
10 material. I told you of copies --

11 MR. SASSOWER: You have exculpatory materials.

12 MR. STRAUS: You have to rely upon my repre-
13 sentation that I have not. If you have information that
14 I am withholding exculpatory materials, then you should
15 bring an appropriate action,

16 MR. SASSOWER: Do you want me to tell you?

17 MR. STRAUS: Yes, I do.

18 MR. SASSOWER: You were served with copies
19 of two notices.

20 MR. STRAUS: What are you referring to? No-
21 tices for what? I have been served with numerous notices
22 by you.

23 MR. SASSOWER: No.

24 MR. STRAUS: What is it --

25 MR. SASSOWER: Notices that were served upon

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2 the witnesses who you relied on. Based on Brady; based --

3 MR. STRAUS: How was that exculpatory? You
4 are aware of it. Are there notices that you are not aware
5 of?

6 MR. SASSOWER: Are you representing you received
7 no responses from those notices? Are you representing that?

8 MR. STRAUS: I don't know what you are talk-
9 ing about. Can you specify them?

10 MR. SASSOWER: Yes. I sent a notice to Judge
11 Saxe, Judge Klein, and to the members of the Appellate
12 Division, which you got a copy of.

13 MR. STRAUS: Why don't we mark it for the
14 purposes of this proceeding?

15 MR. SASSOWER: I don't have a copy. One copy
16 was part of the letter to his Honor, and the other copy
17 I just couldn't locate, the one that went to the Appellate
18 Division.

19 MR. STRAUS: This is in the nature of a re-
20 quest by those Judges that they should tell me that they
21 really did not intend to affirm the conviction; is that
22 right -- they didn't really think the conviction was
23 valid?

24 MR. SASSOWER: It speaks for itself. May I
25 look at your copy of the letter, sir?

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2 THE REFEREE: You mean you are sending me
3 letters without copies to --

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4 MR. SASSOWER: No. He got a copy.

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6 MR. STRAUS: I just don't know which one he
7 is talking about.

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8 MR. SASSOWER: January 22. It was sent to you
9 and the Judges involved.

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10 MR. STRAUS: In answer to your question: No,
11 I have never received a response from any of those Judges.
12 So, I don't have any exculpatory material.

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13 MR. SASSOWER: That is not what the law says.

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15 MR. STRAUS: What does it say?

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16 MR. SASSOWER: Did you make any inquiry of your
17 witnesses as to the subject matter.

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18 MR. STRAUS: These are not my witnesses.

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19 MR. SASSOWER: They are not?

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20 MR. STRAUS: Of course not.

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21 MR. SASSOWER: You are relying upon those
22 statements

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23 MR. STRAUS: I am not relying on those state-
24 ments.

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25 MR. SASSOWER: You say you are not relying on
those statements?

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MR. STRAUS: I am offering in evidence their

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2 statements. I have made that abundantly clear, that I am
3 offering documents. Have I made these people witnesses?

4 MR. SASSOWER: Of course they are.

5 MR. STRAUS: How can you say "Of course they
6 are"? Do you hear what you are saying?

7 MR. SASSOWER: Are you aware of any decisions
8 which you consider authoritative which hold that a person
9 may be convicted, sentenced and incarcerated for non-
10 summary criminal contempt set forth in any ex parte com-
11 munications regarding the convictions of George Sassower
12 which may be prescribed by Canon 3?

13 MR. STRAUS: I haven't had any such communi-
14 cations.

15 MR. SASSOWER: Then, it is your duty to inquire.

16 MR. STRAUS: I have no duty to inquire -- abso-
17 lutely not.

18 MR. SASSOWER: I think you better read the papers.

19 MR. STRAUS: They are not witnesses for me.
20 I have made that abundantly clear all day.

21 MR. SASSOWER: It doesn't make any difference
22 whether they are witnesses or not. Again, you are rely-
23 ing --

24 THE REFEREE: Again, with all due respect to
25 you, you are going back to your original argument. And

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2 you are doing it again and again.

3 Unless you can show me otherwise, my ruling
4 as of today is that I do not have the authority to go
5 behind any of those decisions.

6 MR. STRAUS: I have no intention of producing
7 any of the people who made those decisions. So, there-
8 fore --

9 THE REFEREE: you have already indicated that.

10 MR. SASSOWER: One word, Judge, and that is
11 all. O. K.?

12 The rule that you cannot go behind a decision
13 or an Order -- listen, Judge, just one minute.

14 THE REFEREE: I repeat what I said before,
15 and that is, my mind is still open, pending the receipt
16 of whatever you have.

17 MR. SASSOWER: Was a full and fair opportunity
18 given to litigate the issues? If there was, then it has
19 no effect. There are a lot of cases on that. You have
20 a library available to you.

21 THE REFEREE: When I have to use it, I do.

22 MR. SASSOWER: I don't have to quote copiously?

23 THE REFEREE: If Judge X did something wrong,
24 the proper forum is to reverse that Judge in the Appellate
25 Division, not before the Referee.

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2 MR. SASSOWER: Judge, again, you have a U.S.
3 library there, also, as well.

4 THE REFEREE: I have a complete library, sir.

5 MR. SASSOWER: It will save me --

6 THE REFEREE: Fifty years in the making.

7 MR. SASSOWER: Judge, I hope you are not offend-
8 ed by me.

9 THE REFEREE: Not at all. No, sir.

10 MR. SASSOWER: Because --

11 THE REFEREE: I have never been offended by
12 anything a lawyer says.

13 MR. SASSOWER: There are Judges that live at
14 home. They have no books available. They appreciate,
15 you know, the courtesy of sending them photostatic copies.

16 Judge, any time you need help, a brief on any
17 point, please --

18 THE REFEREE: You have already committed your-
19 self to submit a legal memorandum, with a copy to Mr.
20 Straus.

21 MR. SASSOWER: Until you receive that, I
22 hope that your mind is not made up.

23 THE REFEREE: February 20 we have a hearing.
24 You will be notified by Mr. Straus, and I will be noti-
25 fied, where the hearing will take place.

1
2 MR. SASSOWER: Mr. Straus, I am going to send
3 you a memorandum as early as possible. Please send me
4 your memorandum so I can put in a reply.

5 I want to be fair to you. I want you to be
6 fair to me.

7 MR. STRAUS: Mr. Sassower, first of all, I
8 don't recall Judge Potoker fixing a schedule which includ-
9 ed a reply as well.

10 Do you want to expand this any further so
11 that I have a sur reply, and that you have a sur reply?

12 MR. SASSOWER: Sir!

13 MR. STRAUS: You said you wanted to submit
14 a memorandum. I said I will respond.

15 THE REFEREE: If you find, after receiving
16 his memorandum, it calls for a response --

17 MR. STRAUS: I will submit --

18 THE REFEREE: -- send me a note.

19 MR. STRAUS: The problem, in the statements
20 he is making, is that Mr. Sassower seems to be indicating
21 that these will all be done before the 20th. Evidently,
22 he is going with the 20th as our starting date.

23 If, in fact, additional papers are going to
24 be submitted, I don't want to be placed in the position
25 of not having adequate time to respond.

1
2 THE REFEREE: If either side wants more time,
3 just make your request.

4 MR. SASSOWER: Mr. Straus, you will, probably,
5 have my memorandum on Monday or Tuesday. I will give you
6 as much time as you want. Just tell me if you are tied up
7 on something else. I just ask that you do not sit on
8 the papers.

9 MR. STRAUS: I will most certainly rely upon
10 Judge Potoker to give both of us adequate time to respond
11 to any papers that are served.

12 MR. SASSOWER: Do you want me to withhold my
13 papers until he is ready with his opposing papers?

14 THE REFEREE: You send your papers to Mr.
15 Straus.

16 MR. SASSOWER: That is not my question. My
17 question is this: After I serve Mr. Straus, do you want
18 me to hold my copy and not send it to you until he is
19 ready?

20 THE REFEREE: Send it to me simultaneously when
21 you are sending it to Mr. Straus.

22 MR. SASSOWER: I just wanted to know your
23 preference.

24 THE REFEREE: I want to do some reaearch, if it
25 calls for it.

1
2 MR. SASSOWER: I will try to get it to you
3 by the early part of next week.

4 THE REFEREE: All right.

5 MR. SASSOWER: A draft, at least.

6 THE REFEREE: Have a safe trip home.
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