

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

-----x  
In the Matter of GEORGE SASSOWER, an  
Attorney and Counsellor-at-law,

GRIEVANCE COMMITTEE FOR THE NINTH  
JUDICIAL DISTRICT,

Petitioner,

-against-

GEORGE SASSOWER,

Respondent.  
-----x

S I R S:

PLEASE TAKE NOTICE, that upon the annexed affirmation of GEORGE SASSOWER, Esq., dated December 4, 1986, and upon all the pleadings and proceedings had heretofore herein, the undersigned will move this Court at a Stated Term of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, held at the Courthouse thereof, 25th Street & Madison Avenue, in the Borough of Manhattan, City and State of New York, 10010, on the 23rd day of December, 1986, at 10:00 o'clock in the forenoon of that day, or as soon thereafter as Counsel may be heard for an Order re-opening this proceeding based upon newly discovered evidence, together with any other, further, and/or different relief as to this Court may be just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served upon the undersigned, at least seven (7) days before the return date of this motion, with an additional five (5) days if such service is made by mail.

Dated: December 4, 1986

Yours, etc.,

GEORGE SASSOWER, Esq.  
Attorney for respondent,  
pro se.  
51 Davis Avenue,  
White Plains, New York, 10605  
914-949-2169

To: Hon. Aloysius J. Melia  
Hon. Jacob Mishler 86Civ.3797 [JM]  
Gary L. Cassela, Esq.  
Hon. Burton S. Joseph  
Cahn, Wishod, Wishod & Lamb, Esq.  
Reisman, Peirez, Reisman, & Calica, Esqs.  
Anthony Mastroianni  
Vincent G. Berger, Jr., Esq.  
Charles Z. Abuza, Esq.  
Surrogate Ernest L. Signorelli  
App. Div., Second Judicial Dept.  
Hon. Robert Abrams  
Newsday, Att: Ms. Jane Fritsch

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-against-

GEORGE SASSOWER,

Respondent.

-----x  
GEORGE SASSOWER, Esq., an attorney,  
admitted to practice law in the courts of the State of  
New York, does hereby affirm the following statement to  
be true under penalty of perjury:

1a. I am the respondent, appearing pro se, and submit  
this affirmation in support of a motion to re-open the within  
proceeding based on newly discovered evidence that established  
that the testimony and information given by ANTHONY MASTROIANNI  
["Mastroianni"]; VINCENT G. BERGER, JR., Esq., ["Berger"];  
CHARLES Z. ABUZA, Esq. ["Abuza"]; and Surrogate ERNEST L.  
SIGNORELLI ["Signorelli"], was false and perjurious as it relates  
to the books and records thought to have been in the possession  
and control of ALBERT BARANOWSKY ["Baranowsky"], the accountant  
for EUGENE PAUL KELLY ["Kelly"].

b. As a result of recent hearings before Acting  
Surrogate BURTON S. JOSEPH, it was learned that such records were  
in the possession of Mastroianni and Berger since 1977.

c. During such recent trial, by happenstance, a letter was found in the files of Mastroianni's most recent attorney, RICHARD C. CAHN, Esq. ["Cahn"], written by Berger on March 9th, 1978, to Kelly's sister, Abuza's client, which stated (Exhibit "A"):

"We have already contacted Mr. Baranowsky in 1977 who turned over to us all records in his possession."

d. There can be little question that had it been known that the Baranovsky books and records were in the possession of Mastroianni and Berger in 1977, these disciplinary proceedings against your affirmant and DORIS L. SASSOWER, Esq., at an expense of hundreds of thousands of dollars to the judicial budget, would never have been brought.

e. Without fig leaves, Berger, Mastroianni, Signorelli, and Abuza, must be compelled to fully explain their testimony and their non-disclosure of the above information during this nine (9) year period.

2a. This matter is not moot, notwithstanding the resounding vindication of affirmant, as well as Ms. Sassower, in an earlier disciplinary proceeding.

b. Once again, affirmant's adversaries, on the heels of two (2) more recent vindications of petitioner, have resorted to the media, communicating to them defamatory statements.

c. The question is whether the judicial forum is available where judicial improprieties are concerned, or whether the courts will abdicate or subordinate their constitutional responsibilities, leaving the innocent victims as prey for the media!

d. At bar, the matter is more egregious, as it appears that after each and every victory after trial or hearing, or when such victory seems inevitable, affirmant's adversaries resort to the media with their false and distorted versions.

3. By way of background, it may be noted that approximate twenty-five (25) full days of hearings before Hon. ALOYSIUS J. MELIA, and the approximate twelve (12) days of hearings before Hon. BURTON S. JOSEPH, established certain facts beyond peradventure of doubt.

a. Until March of 1977, everyone, including Signorelli and his Court, recognized your affirmant as the sole and exclusive executor of the Estate of EUGENE PAUL KELLY ["Estate"]. Indeed, as late as March 14, 1977, the Surrogate's Court had issued Certified Letters Testamentary to your affirmant (Exhibit "E").

b. Prior to March of 1977, Signorelli, on the record, authorized affirmant to sell a vacant house owned by the Estate.

c. At the eve of closing, Signorelli, sua sponte, aborted said closing, holding that the contract had been entered into by your affirmant on behalf of the Estate, without authorization, asserting that affirmant had been removed in March of 1976, or one year earlier.

d. Signorelli, in holding in March 1977, that affirmant had been removed a year earlier, cavalierly ignored the testator's designation of Doris L. Sassower, Esq., as the alternate executrix, in his appointment of Mastroianni.

e. Twenty-one (21) months later, Mastroianni sold this vacant house to the same purchaser that affirmant had secured, for the same price. The interim expenses, as well as, loss of interest on the sales price, was to be borne by the Estate according to all accountings filed by Mastroianni.

f. Before the first criminal contempt proceeding against your affirmant, according to the findings of Hon. ALOYSIUS J. MELIA, and independently thereafter, by the decision of Hon. BURTON S. JOSEPH, your affirmant turned over the books and records of the Estate to Mastroianni and/or Berger, his then attorney.

g. It was always undisputed that affirmant did not have the Baranowsky books and records, although affirmant had made efforts to obtain same prior to 1977.

h. The Report of Hon. ALOYSIUS J. MELIA, dated February 4, 1982, confirmed by the Appellate Division, First Department, with regard of the Baranowsky books and records, reads as follows (p. 4, 15):

"Testimony also revealed that the Schacter [Abuza] firm had a letter in its file indicating that the accountant for Eugene Paul Kelly, Mr. Baranovsky, was not cooperating with Respondent [affirmant] concerning the information he, meaning Baranovsky, possessed about Kelly Moving & Storage Company."

"First, the respondent [affirmant] had difficulty amassing necessary information. For a time, Albert Baranovsky, the deceased accountant would not cooperate. The respondent [affirmant] sought Abuza's assistance in this regard but Abuza did nothing. Edward Kelly, Abuza's client, admittedly tried to enlist Baranovsky's cooperation but was also unsuccessful. Baranovsky died in July 1981."

i. Expressly and/or sub silentio, Hon. ALOYSIUS J. MELIA, and independently, Hon. BURTON S. JOSEPH, rejected the assertion made in the Signorelli, sua sponte diatribe of February 24, 1978, that:

"Mr. Sassower, a member of the bar, has impeded the orderly administration of this estate, and has caused it needless expense. He has willfully and intentionally failed to heed and all directives of this court, ... Doris Sassower, his wife and former counsel, should be similarly called upon to explain her extraordinary behavior in this matter."

j. Instructively, not only was DORIS L. SASSOWER, Esq., completely and resoundingly vindicated, but she was given leave to apply for sanctions against her prosecutors!

k. Except for Signorelli and his Court destroying the affidavits that Ms. Sassoer had mailed to them, by certified mail; and having had her incarcerated for serving a Writ of Habeas Corpus directing affirmant's release, no one even can suggest a reason for her involvement in this matter!

4a. In the 1981 hearings before Hon. ALOYSIUS J. MELIA, although there was no such charge, His Honor seemed to be searching for independent verification of the fact that your affirmant turned over all of the Estate assets to Mastroianni and Berger.

b. The Baranowsky books and records, would inter alia, destroy, vel non, the implied charge, made by Signorelli to a reporter for the Daily News, of wrongdoing by affirmant.

c. Nevertheless, even without the Baranowsky books and records, the evidence was clear both to the petitioner and Mr. Justice ALOYSIUS J. MELIA that Mastroianni had all the Estate assets. Consequently, at the outset, His Honor's Report stated (p. 2):

"It is important to note at the outset that none of these charges involve acts of moral turpitude. There is no claim that the respondent [affirmant] siphoned off a client's assets nor was guilty of overreaching, nor any similar impropriety."



d. The worst charge that affirmant heard from his adversary during the recent trial before Hon. BURTON S. JOSEPH, was that affirmant attempted to assume the role of Godfather to the Kelly clan, and without any intended personal gain, attempted to gain their agreement, in order to drastically diminish or eliminate the estate tax.

5. In view of the aforementioned established facts, the "parade of judicial horrors" that followed was unprecedented, incredible, and indeed barbaric:

a. Affirmant was arrested twice by the Suffolk County Sheriff's Office, in Westchester County, abducted both times to Suffolk County, where he was incarcerated, each time without benefit of trial.

b. DORIS L. SASSOWER, Esq., was incarcerated, without food, water or toilet facilities, at the Suffolk County Jail, for simply presenting a Writ of Habeas Corpus, directing the immediate release of your affirmant.

c. One of their daughters, home from a visit from Harvard, was incarcerated under similar conditions, simply because she accompanied DORIS L. SASSOWER, Esq. in presenting such Writ of Habeas Corpus.

d. Deputy Sheriffs from Suffolk County, made numerous forays into Westchester, New York, and Kings County, in an attempt to "capture" affirmant, allegedly a "fugitive from justice", notwithstanding, affirmant in writing, agreed to surrender at any time, convenient to the Sheriff in Supreme Court, Westchester County, New York County, or Bronx County.

e. Affirmant's and Ms. Sassower's youngest schoolchild was emotionally devastated, by the Sheriff's Office advising the families of her classmates that they were seeking her father a "fugitive from justice".

f. Affirmant was accused of misconduct by Signorelli, Berger, and Mastroianni, in private, self-solicited, interviews, which were given to a Daily News reporter; and by Signorelli's sua sponte diatribe, published in the New York Law Journal, which was widely circulated.

g. The Signorelli entourage caused investigations to be made by the District Attorney of Westchester County and Suffolk County.

h. Felonious assault charges were pressed against affirmant for allegedly, while handcuffed, assaulting Deputy Sheriff, Anthony (Schwarzeneger) Gryzmalski, supposedly causing Gryzmalski's hospitalization and loss of ten (10) days work.

6a. All of the above, and much more, in a Captain Ahab pursuit, of "phantom" books and records, which in fact, it turned out, Mastroianni and Berger, not affirmant, had in their very own possession!

b. Two (2) years after Mastroianni and Berger had taken into their possession, not only affirmant's records of the Estate, but also that of Baranowsky, and one (1) year after the incarceration of Ms. Sassower and her daughter, they were still attempting to harass Ms. Sassower by having her come to Riverhead, with respect to such "phantom" books and records!

7a. Had MARTIN BRADLEY ASHARE, the Suffolk County Attorney, desired to issue a press statement, while criminal contempt proceedings were pending against affirmant, he might have adopted the sworn statement of his former Assistant who testified:

"I have made that absolutely clear to you. That there was no case, no authority, no anything to justify what occurred twice over in Surrogate's Court" (Former Assistant County Attorney, Erick F. Larsen, Esq., Examination Before Trial, Sept. 18, 1984, p. 64).

b. Instead, as reported in Newsday, November 2, 1986, Ashare falsely stated:

"Martin Bradley Ashare, the Suffolk County Attorney, and his office has been inundated with meritless claims. Suffolk County has spent \$80,000 over the last few years defending itself against one Westchester County lawyer who has brought hundreds of repetitious actions stemming from a dispute over the handling of an estate. The lawyer, George Sassower, ... . " [emphasis supplied]

c. When the aforementioned article was published, at no time, did Mr. Ashare's Office or any Court contend that respondent was violating any court order, nevertheless, Mr. Ashare went on to falsely state in such published article:

"Ashare notes the case of Sassower as another example of the need of the need for strong sanctions. The county has already run up an \$80,000 bill to defend various officials against Sassower's suits. Sassower has been filing lawsuits, appeals and motions, for the last seven years in state and federal courts, which have ordered him to cease litigating over the estate case."

8a. The perjurious direct testimony before Hon. ALOYSIUS J. MELIA, by Public Administrator ANTHONY MASTROIANNI, a Signorelli appointee, with respect to the Baranowsky books and records, is as follows (p. 68-80 [December 2, 1981]):

"Q. I show you a batch of pages. Could you identify them, please.

A. Yes, it's an accounting, a petition for an accounting that I signed as a temporary administrator.

Q. When was that filed with the court?

A. In April.

Q. Of what year?

A. 1980

Q. And this accounting begins with what date?

A. It would be when I was appointed, March 29, 1977.

...

THE REFEREE: All right. Do you want to get back to that question, whether or not this is proposed to be -- well, a final accounting? You said it had to be supplemented?

THE WITNESS: Yes, it may be, in his terms, it may be considered a final accounting, but it's going to have to be -- we have to supplement that, even that way, we have to supplement it.

THE REFEREE: You mean update it?

THE WITNESS: Update it.

THE REFEREE: But at the time it was presented, was it your intent that it was a final accounting?

THE WITNESS: We still wanted to make sure that we had all the assets, your Honor, and until we had, we're sure that we did, we couldn't really finalize it. That's just an accounting of what monies I took in.

THE REFEREE: And this is your first accounting in three years; right?

THE WITNESS: That's correct.

THE REFEREE: All right. Now, did Mr. Abuza or anyone else give you an order to show cause against you in this period to time to require an accounting?

THE WITNESS: No, your Honor, not that I recall.

MR. GRAYSON: Your Honor, we allege that the respondent failed to turn over all the books and property.

THE REFEREE: Yes.

MR. GRAYSON: And continued to fail to do so. If in fact he did, then there would be no prejudice to the public administrator in his duties, and I'm trying to find out if in fact the public administrator believes that he still lacks certain documents which would help him wrap up the estate.

THE REFEREE: Well, are you aware of any documents that you do not have?

THE WITNESS: No, I am not, your Honor, I don't know.

THE REFEREE: You are not aware of any missing documents?

THE WITNESS: I have no idea if there are or aren't, your Honor. I do not know.

THE REFEREE: You haven't been given a lead by any of the heirs or members of the family?

THE WITNESS: About --

THE REFEREE: No, about things that you don't know about?

THE WITNESS: No.

THE REFEREE: No.

Q. And what is the status of this estate at the time?

A. The status is that I'm still temporary administrator and we still would like to have it finalized.

THE REFEREE: Now, this accounting is before the court since April?

THE WITNESS: Yes.

THE REFEREE: of '80?

THE WITNESS: Yes.

THE REFEREE: Well, what's happened?

THE WITNESS: You Honor, I believe -- I don't what the terminology would be, whether it was withdrawn or held in abeyance until I believe they were trying to get Mr. Sassower to see if he had anything also so that we could put in our account that we received it.

....

THE REFEREE: Have you asked Mr. Sassower, since April, 1980 whether he has anything that you required?

THE WITNESS: I have not.

THE REFEREE: About anything that --

THE WITNESS: I have not.

THE REFEREE: Then I don't understand what you're waiting for.

...

Q. Again, can you state specifically what need to be done before this estate can be settled?

A. We have to make sure that we have all the assets and whether I could --

Q. So that disbursements can be made from the estate and the paperwork can be finished, the probate can be wrapped up?

A. We would like to have as much -- all the information on the estate that we possibly can.

Q. How do you go about getting that information?

A. From Mr. Sassower.

THE REFEREE: Again, I ask the question: since you filed this, you haven't been in touch with Mr. Sassower?

THE WITNESS: I have not, no.

Q. To your knowledge, has your attorney been touch with him since April, 1980?

A. I don't know.

...

Q. Are you familiar with a person named Albert Baranowsky?

A. No.

MR. SASSOWER: What was the answer?

THE WITNESS: I don't believe so.

THE REFEREE: Have you ever talked to him, Baranowsky?

THE WITNESS: No, not about this.

THE REFEREE: He is or was the accountant for Kelly, the deceased. Does that ring any bell with you?

THE WITNESS: Yes.

THE REFEREE: Have you ever been in touch with that man?

THE WITNESS: Personally, I don't believe so.

Q. Do you know if your attorney was in contact with Baranowsky?

A. He might have been.

THE REFEREE: You don't know?

THE WITNESS: I don't know, no.

THE REFEREE: From 19 -- was it 1977 that you say that you received this material from Mr. Berger which allegedly came from Mr. Sassower? Was it 1977?

THE WITNESS: That's correct, '77.

THE REFEREE: Now, this accounting that you filed in 1980, in addition to whatever supposedly came from Mr. Sassower in '77, did you accumulate any other documents between '77 and '80 on which to predicate your accounting?

THE WITNESS: Yes.

THE REFEREE: What kind of documents?

THE WITNESS: Sale of property.



THE REFEREE: Well, the house was sold?

THE WITNESS: The house was sold.

THE REFEREE: Yes. Anything else?

THE WITNESS: About the bank accounts that we checked on, the monies that we received, and I believe that's it."

b. On cross-examination, Mastroianni testified (p. 84-85):

"Q. Now, you knew all the time that Mr. Baranowsky was the accountant for Mr. Kelly, did you not know that?

A I did't recall the name, but I knew he had an accountant.

Q. Did you ever contact the accountant to find out what assets Mr. Kelly had when he died?

A. I believe Mr. Berger might have."

9a. VINCENT G. BERGER, JR., Esq., testified on direct as follows (p. 193-198 [Dec. 12, 1981]):

"THE REFEREE: Yes. You may ask specific questions as to whether or not Mr. Sassower did or did not do that, that that had an adverse impact on the estate.

Q. What is the status of the estate right now?

MR. SASSOWER: Objection.

THE REFEREE: Overruled.

A. The status of the estate right now is that a warrant of committment has been issued.

MR. SASSOWER: Of the estate.

THE WITNESS: That is the status of the estate. We have not got the books, papers, and property of the estate, and the Public Administrator has been unable to complete his task of marshalling the assets.

MR. SASSOWER: Objection.

THE REFEREE: Sustained. Strike out the answer. The question is, what is the status of the estate now.

THE WITNESS: I am trying to answer that question now, Judge. The status is, there is one proceeding pending in which a warrant of commitment has been issued by the acting Surrogate Harry Seidel. And that is the accounting proceeding of Mr. Sassower. A temporary account was rendered by the Public Administrator.

THE REFEREE: When was that?

THE WITNESS: I believe in 1979, Judge. And that proceeding was discontinued after a conference with Acting Surrogate. Judge Seidel in view of the fact he had not the books, papers.

MR. SASSOWER: Objection, your Honor. I was not here.

THE REFEREE: Just a moment. Objection is sustained.

Q. Have you ever spoken with an accountant named Baranowsky?

A. I don't recall.

Q. It's a familiar name, but I don't recall having spoken to him.

THE REFEREE: As I understand it, Mr. Berger, Mr. Baranowsky, who was the long-time accountant for the decedent, did you learn at any time that Mr. Sassower was having difficulty obtaining records from Mr. Baranowsky?

THE WITNESS: I don't recall.

THE REFEREE: Did you talk to Mr. Kelly, the son-in-law of the decedent, Kelly?

THE WITNESS: I have talked to the relatives of the estate on many occasions.

THE REFEREE: Well, this Mr. Kelly specifically, did you speak to him?

THE WITNESS: I don't recall, Judge.

THE REFEREE: Did you have any conversations with a Mr. Abuza, the attorney for Mr. Kelly.

THE WITNESS: I have over the years.

THE REFEREE: Did you have any discussions with him about the books and records of the estate?

THE WITNESS: Well, I would have to answer that yes.

THE REFEREE: Did he tell you anything about the problems of getting books and records from Mr. Baranowsky?

THE WITNESS: Not that I can recall, Judge. He told me about problems he had getting records from Mr. Sassower.

THE REFEREE: Did he show you any kind of correspondence between his firm and Mr. Sassower's with respect to the problems of getting the books and records from Mr. Baranowsky?

THE WITNESS: Not that I can recall, Judge.

THE REFEREE: Well, did you, since you indicate you had experienced difficulty getting books and records, did you think that Mr. Baranowsky might be a good source of information with respect to any assets Kelly would have?

10a. The Report of Hon. ALOYSIUS J. MELIA, dated February 4, 1982 states (p. 63):

"The Public Administrator also testified that after June 15, 1977 he made no further efforts to obtain other documents. Neither he nor his counsel, Mr. Berger, made an inventory of documents or papers received from respondent [affirmant] that day. He is not aware of any missing or outstanding papers. He never contacted Baranowsky, the deceased's accountant. The papers that the respondent [affirmant] turned over in June 1981 appear to be duplicate of those transmitted on June 15, 1977 or otherwise worthless."

b. There can be little question that had it been known that the Baranowsky books and records were in the possession of Mastroianni and Berger in 1977, the disciplinary proceedings, at an expense of hundreds of thousands of dollars to the judicial budget, against your affirmant and Ms. Sassower, would never have been brought.

c. Indeed, all the contempt proceedings against affirmant, which were commenced on June 22, 1977, or one week after affirmant turned over the books and records of the Estate, were a hoax to conceal the blunders of Signorelli and his appointees in attempting to make the Estate their "fortune cookie"!

11a. Years later, Signorelli and his appointees, were still treating the Estate as a "judicial fortune cookie"!

b. IRWIN KLEIN, Esq. ["Klein"], a matrimonial and criminal attorney, based in Manhattan, residing in Queens, was selected by Mastroianni to be his attorney in this and perhaps other estates.

c. The only known objective effort of Klein in the Estate matter was to submit an affidavit opposing affirmant's motion in the Appellate Division to expeditiously complete the Estate matter!

d. Such opposing affidavit was not intended to, nor did it benefit the Estate!

e. Nevertheless, Klein desired the Estate to pay him the sum of \$12,500!

f. Klein was also Signorelli's personal attorney with respect to his matrimonial problems!

g. Even if the irresistible conclusion was not that Signorelli and Mastroianni intended that Klein be compensated for representing Signorelli in his personal matrimonial problems from Estate assets, this could be the reasonable appearance!

h. Were it not for the fact that Mastroianni made a personal claim against your affirmant, Klein probably would have received all or most of the \$12,500 he requested, since Abuza made no attempt to represent the beneficiaries' interests in the proceeding before Hon. BURTON S. JOSEPH.

i. Because of the claim of more than \$72,000 against your affirmant, for which Mastroianni recovered "nothing", Klein received \$1,000 [too much], instead of \$12,500!

j. Whether Klein represented Mastroianni on other estate matters or whether he received other patronage positions from Signorelli and/or Mastroianni, is a matter which also should be disclosed by them herein.

12. There can be no doubt from a reading of the testimony, that Abuza and Signorelli also knew at the time of the hearings that the Baranowsky books and records were in the possession of Mastroianni and Berger.

13a. As for Mr. Abuza, His Honor adopted the statement of the petitioner who stated (Report p. 12):

"To attempt to catalogue and analyze every false and misleading statement to a document prepared by the Schacter [Abuza] firm ... would be a herculian task and would only belabor the point."

b. His Honor added (Report p. 12-15):

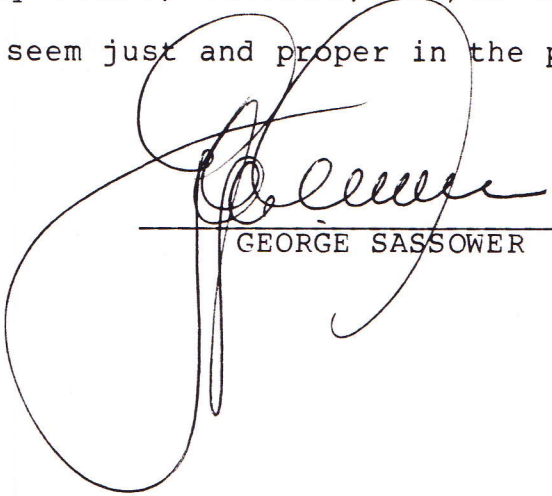
"Now really, I find it difficult to believe anything that Mr. Abuza said, I hate to say that, and I only do it because I think it is necessary to do so, because this is a very, very strange case. I had factually and legal difficulty emanating from the fact that there were numerous court orders where judges ordered Mr. Sassower to do certain things and they found that they were not done. There had been a holding of Mr. Sassower in contempt on the charges made and the orders on which those contempts were predicated were not complied with. ... [H]owever, it is clear to me that for the most part they did not have the benefit of all that is before me. Indeed, it has taken at least ten days of testimony so far for me to get to the point we are now at. I go back to my statement that I find it difficult to believe anything that Mr. Abuza says ... indeed, Mr. Sassower was cooperative and was always willing to be. His [Abuza's] testimony is replete with falsehoods, half truths and misleading statements, and that is true of the papers that he submitted to the various courts. The foregoing conclusions of Mr. Grayson and myself are capsulized. The instances of deception and evasion are too numerous to chronicle here."

c. At the reopened hearings, Mr. Abuza must answer the question as to whether he knew that the Baranowsky books and records were in the possession and control of Mastroianni and Berger, and when he knew it?

14. Those same questions must also be answered by Surrogate ERNEST L. SIGNORELLI.

WHEREFORE, it is respectfully prayed that this motion to reopen the disciplinary proceedings 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: December 4, 1986



---

GEORGE SASSOWER

March 9th, 1978

Mrs. Grace DuBois  
103-22 114th Street  
Richmond Hill, New York 11419

Re: Estate of EUGENE PAUL KELLY.

Dear Mrs. DuBois:

I have received and reviewed your letter dated March 1st, 1978, together with the attached statement. This information cannot assist the Public Administrator since it does not pertain to the estate of EUGENE PAUL KELLY but rather to the Gene Kelly Moving & Storage, Inc. I believe that any questions in this regard should be directed to Charles Z. Abuza, Esq., 551 Fifth Avenue, New York, New York, 10017, telephone 212 - 682-8750. We have already contacted Mr. Baronowsky in 1977 who turned over to us all records in his possession.

Thank you for your assistance.

Very truly yours,

VINCENT G. BERGER, JR.

VGB/c  
Encl.

*V. Berger*

PET. /	RESP.	PET.	RESP.
PLAINTIFF'S	DEFENDANT'S	PLAINTIFF'S	DEFENDANT'S
EXHIBIT <u>II</u>		EXHIBIT <u>17</u>	
IN EVIDENCE	FOR IDENTIFICATION	IN EVIDENCE	FOR IDENTIFICATION
		DATE <u>5/8/86</u>	

*Exhibit "A"*



# Surrogate's Court — Suffolk County

The People of the State of New York

To All to Whom These Presents Shall come, or may Concern, Greetings:

IT IS HEREBY CERTIFIED that on the 9th day of September, 19 74

Letters Testamentary of the Last Will of

EUGENE PAUL KELLY, deceased,

late of Suffolk County, New York,

were duly issued by the Surrogate's Court of Suffolk County to

GEORGE SASSOWER

RESPONDENT'S EXHIBIT A-  
N. Y. SUPREME COURT

the Execut<sup>OR</sup> in said will named and that the same are still valid and in full force.

OCT 22 1971

LAWRENCE M. V. C.S.R.  
OFFICIAL COURT REGISTER

IN TESTIMONY WHEREOF this certificate is issued under the seal of the court.

WITNESS, HON. ERNEST L. SIGNORELLI, Surrogate, at Riverhead, in Suffolk County,

New York this 14th day of March, 19 77.

(SEAL)

*Merwin S. Woodard*

MERWIN S. WOODARD  
Chief Clerk Surrogate's Court  
Suffolk County, New York

EXHIBIT "B"

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 November 19, 1982

Present—Hon Theodore R. Kupferman, Justice Presiding  
Leonard H. Sandler  
Samuel J. Silverman  
Arnold L. Fein, Justices

9th JUDICIAL DISTRICT  
NOV 23 1982  
GRIEVANCE COMMITTEE

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In the Matter of George Sassower, an Attorney and Counselor-at-Law: :

Grievance Committee for the Ninth Judicial District, :

Petitioner, :

-against-

George Sassower, :

Respondent. :

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In a proceeding transferred to this Court by order of the Appellate Division, Second Department, entered January 9, 1981, the petitioner herein, the Grievance Committee for the Ninth Judicial District, having, by notice of amended petition, dated April 13, 1981, petitioned this Court for an order disciplining respondent, George Sassower, who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division, Second Department on March 30, 1949, upon those charges contained in said amended petition dated April 13, 1981; and the respondent having appeared in said proceeding and having cross-moved by notice of cross-motion dated April 30, 1981 for an order dismissing charges One through Fourteen, inclusive, contained in the amended petition, and seeking an order requesting a hearing to determine whether the proceedings herein have been brought, and are being prosecuted, in a constitutionally impermissible manner;

And an order of this Court having been made and entered on July 8, 1981 (1) appointing Hon. Aloysius J. Melia, as Referee in this proceeding to take testimony in regard to the charges contained in the amended petition and to report the same with his opinion thereon to this Court; (2) holding determination of the petition in abeyance pending receipt of the Referee's report; and (3) denying respondent's cross-motion without prejudice to raising constitutional defense before the Referee;

And it appearing that during the conduct of the hearing before said Referee, petitioner moved to withdraw charges 1, 2, 5, 11, 12, 13 and 14 of the amended petition, which motion was granted and said charges therein contained were dismissed; and it further appearing that, by the report dated February 4, 1982 and submitted to this Court, the Referee determined that charges 3, 4, 6, 7, 8, 9, and 10 were not sustained by the evidence and recommended that those charges be dismissed;

And the petitioner having moved this Court for an order (1) confirming that portion of the Referee's report recommending that charges 4, 7 and 9 were not sustained, (2) recommending that respondent's cross-motion to dismiss the charges be denied and (3) disaffirming that portion of the Referee's report recommending that Charges 3, 6, 8 and 10 were not sustained; and the respondent having cross-moved for an order nullifying all of the disciplinary proceedings brought against respondent nunc pro tunc, expunging all records of same and for certain other incidental relief; and the respondent having further cross-moved to vacate petitioner's notice of motion, staying consideration of the proceedings so as to afford the Presiding Justice of the Appellate Division, Second Department and opportunity to respond herein, and for other related relief;

Now, upon reading and filing the notice of motion, with proof of due service thereof, dated March 19, 1982, the affidavit of Richard E. Grayson, Esq., sworn to March 19, 1982, the memorandum of petitioner, dated March 19, 1982 and the supplemental affidavit of Richard E. Grayson, sworn to March 29, 1982, all read in support of the motion and in opposition to the cross-motions; and the notices of cross-motion dated June 16, 1982 and June 18, 1982, respectively, the affidavits of George Sassower, Esq., sworn to June 16, 1982, June 18, 1982 and September 15, 1982, together with the exhibits annexed thereto, read in support of the cross-motions and in opposition to the motion; and after hearing Mr. Richard E. Grayson for the motion and opposed to the cross-motions, and Mr. George Sassower, pro se, for the cross-motions and opposed to the motion, and the report of Hon. Aloysius J. Melia, the Referee herein, dated February 4, 1982; and due deliberation having been had thereon; and upon the unpublished Opinion Per Curiam filed herein, it is unanimously

Ordered that petitioner's motion, insofar as it seeks to confirm a portion of the Referee's report, be and the same hereby is granted and, insofar as it seeks to disaffirm a portion thereof, be and the same hereby is denied, and it is further unanimously

Ordered that petitioner's motion to disaffirm the report of the Referee in part be and the same hereby is denied, and it is further unanimously

Ordered that the cross-motion, to the extent it addresses charges 3, 6, 8 and 10, be and the same hereby is deemed a motion to confirm the report of the Referee and said cross-motion is hereby granted only to such extent and the cross-motion is hereby denied in all other respects.

Ordered that the report of the Referee, dated February 4, 1982, be and the same hereby is confirmed in its entirety and the charges contained in the amended petition be and the same hereby are dismissed.

ENTER:

JOSEPH J. LUCCHI  
Clerk.

APPELLATE DIVISION SUPREME COURT-FIRST DEPARTMENT  
STATE OF NEW YORK

I, JOSEPH J. LUCCHI, Clerk of the Appellate Division of the Supreme Court, First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 11/19/82 and that the same is a correct transcript thereof, and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this Court on 11/19/82.

*Joseph J. Lucchi*  
Clerk