

Original rec'd
OCT 28 1991
OK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x
MILTON BRESLAW,

Plaintiff,

- against-

Supplemental Affidavit
Index # 22587/86

EVELYN BRESLAW,
-----x

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

DORIS L. SASSOWER, being duly sworn, deposes and says:

1. By reason of the supervening facts hereinafter set forth occurring since the October 11, 1991 submission of the pending motions before this Court, I respectfully beg leave to submit this Supplemental Affidavit, together with the accompanying Affidavit of Elena Sassower, and ask that they be considered as additional evidence of Mrs. Breslaw's dishonesty and contemptuous bad-faith conduct in further opposition to Defendant's motion and in further support of my cross-motion.

2. Annexed hereto as Exhibit "A" is a copy of a column by Nancy Q. Keefe appearing in The Reporter Dispatch of October 24, 1991, written, as she has admitted to me, without any contact with me or any independent investigation whatever, republishing certain grossly defamatory comments concerning me attributed to Evelyn Breslaw, of which I respectfully ask this Court to take judicial notice.

3. I was not present to defend myself against Mrs. Breslaw's character assassination of me at the event referred to

EX "B"

in Ms. Keefe's column. However, the accompanying Affidavit by my daughter, present at the event, attests to the fact that Mrs. Breslaw made the statements attributed to her by Ms. Keefe, as well as other additional remarks not included in Ms. Keefe's column--all of which Mrs. Breslaw knew to be false and in deliberate disregard for the truth. Mrs. Breslaw's statements to the audience--and Ms. Keefe's report thereof--evidence not only a staged "set-up" to discredit me, but that Mrs. Breslaw's gross defamation of me and distortion of the true facts continues to the present--unabated by the pendency of my contempt motion against her.

4. As set forth in my daughter's Affidavit, Mrs. Breslaw advised the women in the audience that the first thing they should do in a divorce situation is to "find out all about the marital assets". That statement is extraordinary coming from Mrs. Breslaw, since this is precisely the information I secured for her through my retention of the experts and for which Mrs. Breslaw did not wish to pay then--or now.

5. Mrs. Breslaw's public calumny of me--repeated by Ms. Keefe--that I did "nothing" for her is false for many reasons, among them that I obtained for her the all important evaluation of her husband's assets--which her first lawyer, Raoul Felder, Esq., had not done for her in the period in which he was her lawyer.

6. I respectfully refer this Court to its files in this action, which include the August 23, 1988 transcript of

Harry Eisenberg, my appraiser. Mr. Eisenberg testified for an entire day's session as to his extensive services and his comprehensive valuation reports of Mr. Breslaw's holdings, forming the basis of Mr. Eisenberg's opinion as to Mr. Breslaw's multi-millionaire status.

7. Mrs. Breslaw concealed from the audience all of the following highly material facts: (a) that it was I who obtained that precious and pivotal information for her; (b) that she had refused to pay, as required by her written contract with me, or even agree to pay--the cost of the experts retained on her behalf--an amount LESS THAN FOUR THOUSAND DOLLARS; (c) that delays relative to the file turnover were all self-created, directly resulting from her and Mr. Landau's refusal to agree to a reasonable stipulation arranging for such payment, which I was prepared to enter into immediately after my discharge; (d) that the Judicial Hearing Officer adjudicated the fact that my discharge was "without cause" and that Mrs. Breslaw had no legal right to refuse to make the required payment of the expert fees; (e) that I had paid the experts' fees on her behalf; (f) that at the time I refused to turn over the files, up to and including the date when I turned them over, there was no legal obligation on my part to do so--because the legal conditions to such turnover had not yet accrued, as set forth in my cross-motion papers (g) that she and her attorney had used my experts' evaluations in her divorce action; (h) that she is now herself a millionaire pursuant to her divorce settlement.

8. Relative to Mrs. Breslaw's public slander of me as the "woman lawyer" who "did nothing", Mrs. Breslaw further failed to disclose that my trial counsel conducted a full day's deposition of her husband for which services I paid--and, then, inadvertently, never even charged Mrs. Breslaw. Annexed hereto as Exhibit "B" are my summary of my recorded time and services rendered, and the letter from my trial counsel, both of which documents, were offered as exhibits at the hearings before J.H.O. Klein.

9. I respectfully refer this Court to the transcripts of the hearings before J.H.O. Klein, forming part of the record in this action, at which my appraiser, my trial counsel and I all testified in depth as to the extensive services performed for Mrs. Breslaw.

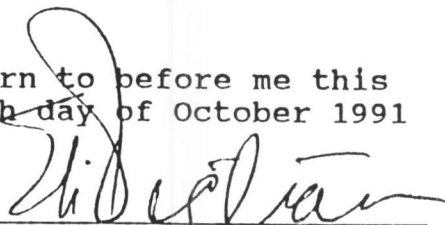
10. Mrs. Breslaw also deliberately concealed from the audience the fact that even while I was representing her, she herself was responsible for repeated delays in the discovery process--particularly the completion of her husband's deposition, which she refused to allow me to complete for her own ulterior reasons: to postpone the divorce action which her husband, not she, had brought. Mrs. Breslaw did not reveal to the audience my strenuous efforts to get her to realize the irreparable adverse effect her uncooperative behavior might have on her "vital discovery rights". My letters to her on that subject, dated January 5, 1988 and January 14, 1988 are annexed as Exhibit "C" in further proof thereof.

11. Mrs. Breslaw made further deliberate falsification of the facts when she publicized that I was "suing" her--referring to the instant proceeding--when she knew that it was she, not I, who commenced this proceeding to vacate my Judgment against her for the LESS THAN \$4,000 she was ordered to pay as reimbursement for the expert fees I paid several years ago on her behalf and to exempt her million dollar settlement (which she concealed from this Court, as well as the audience) from the liability. Such flagrant deceit and misrepresentation by her at this particular time and at a public forum at which members of the press were present was for the primary purpose of degrading me and to thereby prejudice my right to an impartial hearing before this Court.

12. In the circumstances, there can be no doubt that Mrs. Breslaw has demonstrated by her aforesaid actions that the relief requested by my cross-motion is eminently warranted.

WHEREFORE, it is respectfully prayed that the relief prayed for by Mrs. Breslaw be denied, and that my cross-motion for contempt and sanctions against Mrs. Breslaw, her counsel, Harvey Landau, Esq., and the law firm of Bender & Bodner, Esqs., be granted in all respects.


DORIS L. SASSOWER

Sworn to before me this
27th day of October 1991

Notary Public

ELI VIGLIANO
Notary Public, State of New York
No. 4987383
Qualified in Westchester County
Commission Expires June 4, 1992



NANCY Q. KEEFE

COMMENTARY

Women find justice meager in the courts

Four talented young actors cavort in the Ceremonial Courtroom of the Westchester County courthouse. They are playing out lawyers' conversations with divorcing spouses.

The man's lawyer says: "We'll say you're going to pay child support — and then you don't pay." The woman's lawyer concludes: "Take the settlement. At least I'll get my fee."

Bitter laughs of recognition ring out from the audience of nearly 200.

The skit, called "Court Time, the show where you can see the screws of justice turn," was meant to be broad satire. It cut right to the bone of truth.

The novel presentation Tuesday night began the first public forum sponsored by the Committee to Promote Gender Fairness in the Courts. The 29 judges, lawyers, professors and others are working out ways to handle grievances in the Ninth Judicial District. Sondra Miller, associate justice in the Appellate Division, presided with a gavel the size of a sledgehammer and an egg timer. She used both judiciously.

Nearly a donnybrook

What was supposed to be an entertaining and informative evening nearly turned into a donnybrook, but not just because the Anita Hill-Clarence Thomas confrontation made it a hot topic.

For many women, in the throes of divorce and with no money for lawyers — or for living — this is a burning issue. The legal system is so unfair that it's a kind of sexual harass-



Monica Getz

ment, as Evelyn Breslaw found. She survived 25 years of teaching in the Bronx only to be undone in court. Her divorce took five years. Her husband "emptied the house of the assets of 30 years of marriage. He beat me up on my cancer surgery." Advised to get "a lawyer in White Plains with clout," she found a "woman lawyer with a full-page ad in Martindale and Hubbell," the law directory. The lawyer did nothing for six months, Breslaw said, and for another 18 months refused even to give Breslaw's papers to a third lawyer.

The judge handling the case left the bench. The interim judge said he couldn't do anything. The third judge "forgot about me."

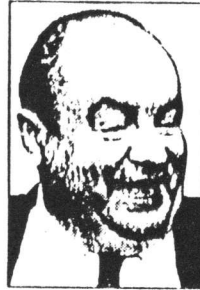
"I was living in poverty. I was sick. My kid's tuition wasn't being paid." Her lawyer told her to relax, she'd get the money in seven years. Breslaw pressed to have her case resolved. In response, she said, the judge told her, "You've lived in poverty for 4 1/2 months. You can wait for a trial."

*Gannett Newspaper
Levitt-Dispatch
Metro Section p. 1
Thursday, Oct 24, 1991*

Laws against women

"I'll take anything," she said, her voice cracking. "The laws are against you if you're a woman." Miller's egg timer signaled the end of Breslaw's time.

"Let her finish!" women called out. From the back of the room, Abby Petrillo stood to say, "That female lawyer she didn't name is Doris L. Sassower," who was indefinitely suspended in June from practicing law. The audience growled.



Samuel Fredman

Jane Josephs, her neck in a cervical collar, said her ex-husband is a multimillionaire, but "come July, I'll be on welfare. My younger daughter is anorexic. I'm sick, too. I can't accept \$150 a week support. To what planet do I go to live on that?" She didn't know where to turn, she said, and "I had no idea of my rights till I met Monica Getz."

Getz organized the Coalition for Family Justice after her own court wars against her ex-husband, the late jazzman Stan Getz. In her view, "the legal system is rigged in favor of rich, cruel men."

Judges churn cases for the benefit of former law partners, she said, looking daggers at panel member Samuel Fredman, a matrimonial lawyer for 40 years before becoming a state Supreme Court justice. He smiled sadly and shook his head. If you've ever watched him in court, you'd see that Fredman is one of the enlightened ones.

No matter. Women who've been dragged through the system target him with their wrath. A court officer, sensing the fury and frustration in the night, escorted Fredman to his car.

The committee plans a second forum in January. The worry is that the women will be frustrated further because this is not an instant cure. But the hope is that they'll see it as a beginning, a good beginning.

Nancy Q. Keefe's column appears Tuesday, Thursday and Sunday.

SA

SASSOWER EX. 117 in Evid.
RJD 4/20/88

March 1, 1988

Ms. Evelyn Breslaw
11 Lynns Way
New Rochelle, New York 10805

Re: BRESLAW v. BRESLAW

For Professional Services

<u>Date</u>	<u>SERVICE</u>	<u>TIME</u>
6/16/87	Client conference	1.4
6/18	Client conference	2.7
6/19	Client conf., court appearance, tel. Felder	3.4
6/22	Client conference	2.1
6/30	Client conference	.5
7/2	Calls re hearing & meeting with client	1.2
7/6	Meeting with client & appearance at hearing re Felder fee	3.8
7/8	Tel.	.4
7/9	Tel. & meeting re N.J. & file	1.0
7/10	Tels. re N.J. & apt. closing	.7
7/22	Client conf. re temporary order & EBT	1.2
7/23	Tel. re temp. order	.4
7/30	EBT prep.	1.1
7/31	Tels. re EBT & EBT prep.	1.4
8/3	Tels. re alimony & meeting & EBT prep.	2.8
8/5	Client meeting	.5
8/11	Tels. re alimony & teaching records	.6
8/18	Meeting re arrears & document discovery	1.2
8/19	Document inspection N.Y.C.	6.0
8/28	Tel. H's atty	.2
9/2	Tel. client	.4
9/3	Tel. client	.7
	Tel. Felder & H's atty	.4
9/4	Court conference & meeting with client	3.1
9/15	Review EBT transcript	1.2
9/22	Tels. H's atty re EBT	.3
9/25	Ltr to H's atty, review EBT transcripts	1.9
10/21	Tel. client & H's atty re \$ & EBT	.4
10/28	Atty conf.	.3
10/26	Tels. & client meeting	1.1
10/29	Meeting re arrearage, Tel. H's atty & appraiser	1.2
11/16	Tel. H's atty	.2
11/20	Tel. appraiser	.2
11/24	Client meeting	1.2

Ex B

11/30	Tel. client	.3
12/9	Atty conf.	.5
12/10	Case strategy review	.9
12/14	Atty conf.	.4
	Tel. client	.3
	Tel. H's atty & Postmaster	.4
12/15	Tel. client	.2
12/16	Tel. appraisers, H's atty, EBT prep.	1.7
12/17	Tel. H's atty, appraiser, client, EBT prep.	.8
12/18	Tel. H's atty, and client, conf. acc't.	2.2
12/24	Tel. client, H's atty, EBT prep.	1.4
12/28	Tel.	.2

1988

1/2	EBT prep.	1.5
1/3	Tel. trial counsel	.2
1/6	Review Jaffee complaint	.1
1/11	Tel. client and H's atty	.7
	EBT prep.	.2
1/12	EBT prep.	.5
1/13	Ltr to client	.4
	Tels. client	1.4
1/14	Tel. appraiser	.2
1/15	Atty conf. re EBT	.3
	Tel. H's atty & appraiser	.4
1/18	EBT prep.	1.5
	EBT prep.	.4
1/19	Tel.	.4
1/20	Tel.	.2
	Meeting with client, Tel. H's atty	1.9
1/22	Court appearance	.2
1/28	Tel. client & H's atty	.4

1/28 and 2/11 not in

1/5 - not in

BARTON DENIS EATON
ATTORNEY AT LAW
41 PROSPECT STREET
WHITE PLAINS, NEW YORK 10605
—
(914) 997-0068

July 20, 1988

Doris L. Sassower, P.C.
50 Main Street
White Plains, New York 10606

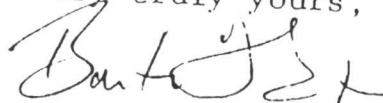
Re: Breslaw v Breslaw matter

Dear Doris:

This is to acknowledge that payment has been received by me for a certain all-day deposition I did on the above case August 5, 1987, said payment having been made after it was discovered at the recent hearing that I had inadvertantly never billed your firm for that particular day.

I regret any inconvenience to you as a result of my inadvertant omission of that time record from my charges heretofore submitted to your firm.

Very truly yours,



BARTON DENIS EATON

BDE/bh



Doris L. Sassower
RJD 4/20/88

January 5, 1988

Ms. Evelyn Breslaw
11 Lynns Way
New Rochelle, New York 10805

Re: BRESLAW v. BRESLAW

Dear Evelyn:

Per our phone conversation today, this is to confirm that the deposition of your husband will be continued on January 14th and 15th without fail.

This also follows up our latest (of many) urgent requests that you deliver the arrearage figures and documents so we can proceed to you get the money you tell us you need so badly. Although you have repeatedly promised to bring them in over a period of many months now, they have still not been delivered. As we told you, we want very much to help you, but cannot do so without your full cooperation.

While we do understand that your illness has prevented you from keeping many appointments, we urge to you make every effort to get those papers and documents in our hands so that we move ahead with your case.

Cordially,



DORIS L. SASSOWER

DLS/mg

50

SASSOWER Ex 22 for EVID
RJD 4/20/88
DML

LAW OFFICES

DORIS L. SASSOWER, P.C.

WESTCHESTER FINANCIAL CENTER
50 MAIN STREET - TENTH FLOOR - WHITE PLAINS, N.Y. 10606 - 914/682-2001

TELEX 897 43W PDS LW FAX (914) 682 7784

January 14, 1988

Ms. Evelyn Breslaw
11 Lynns Way
New Rochelle, New York 10805

Re: BRESLAW v. BRESLAW

Dear Evelyn:

Yesterday, you had a 10:30 a.m. appointment, which at the last minute you changed to 3:00 p.m. Shortly before 3:00, you changed it again to 5:00 p.m. and I told you if you could not make it to please call and I would see you the next morning. You never called and I waited until 6:00 p.m. Then, again you cancelled this morning's appointment at the last minute, calling at 9:00 a.m. to cancel a 9:00 a.m. appointment. While we know you have medical problems, and are sympathetic to them, surely doctor appointments cannot always arise so suddenly or unexpectedly so as to have priority over lawyer appointments. You simply must understand that when our appointments are made, legal time is set aside, time which could be put to good use on other matters rather than wasted. Your practice of breaking appointments not only does not help advance your case, but it wastes valuable time.

As to the documentation given so as to get the arrearages: These mere copies of cancelled checks are not what we have repeatedly requested and they are not what you repeatedly promised to produce as documentation - i.e. precise categorized papers showing charges (on bills, etc.) and copies of your payments.

Insofar as continuation of the E.B.T. of your husband is concerned -- your stated physical inability to attend on the agreed consecutive days may not be in our control. Certain deadlines have been set by the Court and it may be necessary to conduct the depositions several days running in order to complete them within time constraints. Failure to do so may result in loss of your vital discovery rights, a situation we cannot allow to occur, particularly in your case where your husband's substantial financial resources must be fully investigated to ensure your right to a fair and equitable share.

As you well know, yours is an extremely difficult case. We must have your full cooperation to bring the matter to a satisfactory conclusion as expeditiously as possible.

Sincerely,



DORIS L. SASSOWER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
MILTON BRESLAW,

Plaintiff,

-against-

EVELYN BRESLAW,
-----X

Affidavit

Index # 22587/86

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

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

1. I was present at the program held in the ceremonial courtroom of the County Courthouse on Tuesday, October 24, 1991 on the announced topic of "Gender Bias", the purported subject of a column by Nancy Q. Keefe in the Westchester Gannett Newspapers dated October 26, 1991 (Exhibit "A" to Affidavit of Doris L. Sassower).

2. The moderator of the program was Hon. Sondra Miller, Justice of the Appellate Division, Second Department, who presided. Seated beside her were Justice of the Supreme Court Samuel G. Fredman, Family Court Judge Adrienne Scancarelli, County Court Judge G. Radley Herald, and Marianne Sussman of the Westchester Women's Bar Association.

3. Seated in the audience was Administrative Judge Angelo Ingrassia, who was publicly identified and introduced, as well as various members of the press, who were introduced by Justice Fredman.

4. Following the presentations of the four panelists,

as well as remarks by Justice Miller, Justice Miller opened the program to comments from the audience, announcing that she would call the names in turn from a stack of cards of individuals who had pre-filed with her their requests to speak. The very first person she called upon to speak was Evelyn Breslaw.

5. Mrs. Breslaw began by saying that she did not want to subject herself to charges of defamation and, therefore, she was not going to "name any names". She thereupon proceeded to describe the particulars of her marital situation, which I jotted down on my note pad as she spoke.

6. Mrs. Breslaw described her second lawyer as "a woman lawyer" in White Plains, with a whole page in Martindale-Hubbell who did "absolutely nothing" and who she "fired after six months".

7. She then described her third lawyer as having had to spend "18 months to get papers from [her] second lawyer because of her refusal to turn them over", and that her second lawyer had served papers on her on Yom Kippur of this year--suing her, and wanting her in court in two days--notwithstanding that that lawyer had not given her her file "for 18 months".

8. Mrs. Breslaw went on to sketch the judges who had presided over her matter and that she had been "pushed into settlement" when a motion her lawyer made for her had been denied. She described her husband as having "millions of dollars of assets", as well as property from which there was rent.

9. Mrs. Breslaw claimed that she had had "no

discovery" and stated that her husband had had two lawyers: the first one--an assemblyman, and the second one--someone "powerful in White Plains".

10. Mrs. Breslaw described herself as an impoverished "victim" and spoke about the settlement conference in her matter--at which time she was presented with "80 typed pages of transcript".

11. Mrs. Breslaw concluded by setting forth a list of three items as advice for women. The first and most important item was that women should "find out all about the marital assets".

12. Immediately following Mrs. Breslaw's presentation, a woman who did not identify herself stood up from the back of the auditorium and announced that the "woman lawyer" to whom Mrs. Breslaw had referred was "Doris L. Sassower".

13. The program then continued for approximately another hour during which time ~~at~~ numerous women spoke compellingly about the indifference with which the courts had handled their divorce litigation. One woman described the eleven years in which her case had dragged on and \$2,000,000 in legal expenses incurred. She said that the motto above the court should read "in fraud we trust" and spoke not only about the court's indifference to her plight and the toll it had taken on her family--but also the court's encouragement of her husband's abusive and malicious litigation tactics and its acceptance of perjury by her husband and his attorney.

14. Another woman spoke about how she was using a pseudonym because she was fearful of her husband who was shortly to be released from prison and of a quarter of a million dollars in litigation costs that had been incurred. She spoke about the political connections of the judges and attorneys.

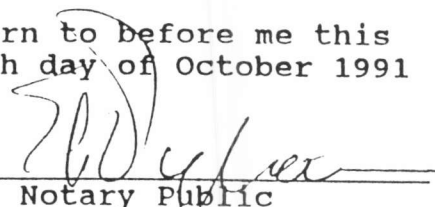
15. Another woman spoke about how her husband's abusive conduct had forced her to flee her home and live in a shelter with her children--and the delays and money expended in seeking judicial redress--which she did not feel she had obtained.

16. I myself stood up and spoke about the fact that the public should not be surprised by the courts' indifference to litigants since our judges are politicians who, inter alia, entered into a "Three Year Deal" by which vacancies were created by contracted for resignations--necessarily delaying the trials of these women's divorce actions. I expressly identified Justice Fredman as the architect of the "Three Year Deal"

17. Justice Sondra Miller called for the guard to approach me and have me immediately sit down.


ELENA RUTH SASSOWER

Sworn to before me this
27th day of October 1991



Notary Public
ELI VIGLIANO
Notary Public, State of New York
No. 4997383
Qualified in Westchester County
Commission Expires June 4, 1992

AFFIDAVIT OF SERVICE

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

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

deponent is not a party to the action, is over 18 years of age and resides at White Plains, New York.

On October 27, 1991 deponent served the within: SUPPLEMENTAL AFFIDAVITS AND EXHIBITS

upon: Bender & Bodnar
11 Martine Avenue
White Plains, New York 10606

Evelyn Breslaw
11 Lynns Way
New Rochelle, New York 10805

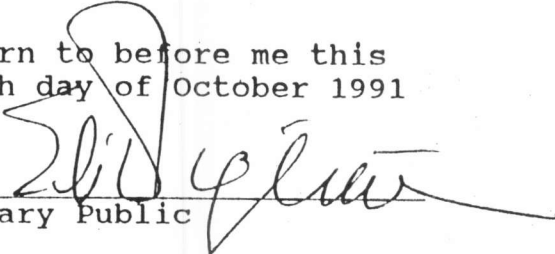
Dranoff & Johnson
One Blue Hill Plaza
P.O. Box 1629
Pearl River, New York 10965-8629

by depositing true copies of same in post-paid properly addressed wrappers in an official depository under the exclusive care and custody of the United States Post Office within the State of New York directed to said attorneys at the address last furnished by them or last known to your deponent.



ELENA RUTH SASSOWER

Sworn to before me this
27th day of October 1991



Notary Public

ELI VIPLIANO
Notary Public, State of New York
No. 4967383
Qualified in Westchester County
Commission Expires June 4, 1992

Index No. 22587 Year 19 86
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

MILTON BRESLAW,

Plaintiff,

-against-

EVELYN BRESLAW,

Defendant

SUPPLEMENTAL AFFIDAVITS AND EXHIBITS

DORIS L. SASSOWER, ~~ETC.~~

pro se

New Address:
283 Soundview Avenue
White Plains, N.Y. 10606
(914) 997-1677

Office and Post Office Address, Telephone
MAIN STREET • TENTH FLOOR
WHITE PLAINS, N.Y. 10606
~~(914) 998-2001~~

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....
Attorney(s) for

Sir:— Please take notice

NOTICE OF ENTRY

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

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

19

at

M.

Dated,

Yours, etc.

DORIS L. SASSOWER, ~~ETC.~~