

Suzanne McCormick
Concert Pianist
231 Clinton Avenue
Dobbs Ferry, New York 10522

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Via Certified Mail
#7006 2760 0005 0600 1336

February 8, 2009

Peter D. Raymond, Esq.
Reed Smith LLP
Attorneys at Law
599 Lexington Avenue
New York, New York 10022-6030

RE: Estate of Edmund J. McCormick Sr.
Index #3522/1988 Westchester County Surrogate's Court

Dear Mr. Raymond:

I retained you as an attorney at law and your Law Firm to represent me regarding the Estate of my husband Edmund J. McCormick, Sr., when you were a member of the Law Firm of Hall Dickler Kent Goldstein and Wood LLP. At the time I did not understand/comprehend events that occurred, since no professionals imparted the knowledge to me (nor took the time to explain these things to me) despite the fact that I was paying for this legal service. My story unfolds as follows.

In early 1996 a friend of my husband, a Westchester newspaper publisher, spoke to the then Westchester Surrogate, Judge Albert J. Emanuelli, whom he knew. At the time Judge Emanuelli reviewed the sparse record and said there were two (2) very serious, basic salient core issues that he found merely by reviewing the Estate file. In a seminal moment Judge Emanuelli revealed the first issue that he had discovered, but repeatedly refused to reveal the second issue, notwithstanding considerable pressures from the publisher.

As you know, my husband's *Last Will and Testament*, admitted for probate, was prepared by the Law Firm of White & Case (See Exhibit A - Copy of Selected Relevant Pages of the *Last Will and Testament*).

Exhibit 2

The First Issue, followed the issuance of the *Permanent "Letters Testamentary"* on January 25, 1989, was that the Law Firm of White & Case filed a *Petition For Payment of Executor's Individual Claims Pursuant To SCPA 1805*, dated February 7, 1989, on behalf of their client, **Bankers Trust Company**, for repayment of a certain loan (See Exhibit **B** - Copy of *Petition Papers*). Surrogate Judge Evans V. Brewster signed an *Order for Payment of Executor's Individual Claim*, dated March 6, 1989. (See Exhibit **C** - Copy of *Order for Payment*). The Law Firm of White & Case and one of its attorneys, Winthrop Rutherford, Jr., had been allegedly designated as the Estate Attorney in early December 1988. As I understand it, Judge Emanuelli said that White & Case abandoned my husband's Estate when they filed the *Petition For Payment of Executor's Individual Claims Pursuant To SCPA 1805* (Exhibit **B**), on behalf of their "enduring client,"¹ **Bankers Trust Company**.

I have been informed by various independent legal counsel that Judge Emanuelli was correct. Once the *Petition For Payment of Executor's Individual Claims Pursuant To SCPA 1805* (Exhibit B) was filed then the Law Firm of White & Case and its attorneys declared their allegiance and represented **Bankers Trust Company** solely and exclusively. It is abundantly clear that my husband's Estate had no legal representation. Despite and contrary to this material fact, the Law Firm of White & Case and attorneys of that firm have continued to state to the Courts and all others, thereby perpetrating the fraud that they represent the Estate of Edmund J. McCormick, Sr. The record is replete with the evidence and documentation of White & Case's fraudulent assertions that they are and have been the attorneys for my husband's Estate.

On March 11, 1999, **Bankers Trust Company** pled guilty in the Southern District of New York Federal Court (99cr250 - USA v. Bankers Trust Co.) to three (3) counts of felony information involving the amount of **\$19.1 million**. (See Exhibit **D** - Face Page of *Criminal Information* - 1 pp.) Additionally, enclosed is a copy of the "Letter Agreement" dated March 11, 1999, between the U.S. Department of Justice, U. S. Attorney, Southern District of New York, **Bankers Trust Company** and their attorneys that memorialized the amount of unclaimed funds unlawfully recorded by

¹ From White & Case Website, History of the Law Firm White & Case - White & Case was centrally involved in the formation of Bankers Trust in 1903. Bankers Trust epitomized the prominent early clients of White & Case. The relationship between Bankers Trust and White & Case is one of the great enduring client relationships in the history of the legal profession. White & Case represented Bankers Trust for 96 years until its acquisition in 1999 by another White & Case client, Deutsche Bank, which is still a client of the firm today.

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Bankers Trust Company at **\$19.1 million**. (Exhibit E - Copy of "Letter Agreement" dated March 11, 1999 - 5 pp.)

Deutsche Bank purchased **Bankers Trust Company** on June 4, 1999 and then it became a convicted Federal Felon (3 Felony Counts). It was sentenced on July 26, 1999 in the Southern District of New York (99cr250 - USA v. Bankers Trust Co.). (See Exhibit F - Copy of Face Page of the *Transcript of Sentencing* dated July 26, 1999). I have been informed by independent counsel that at the point of the Federal Felony convictions there should have been a sign on the door of **Bankers Trust Company** saying - **Closed - Out of Business Due to Criminal Convictions, No Longer in the Fiduciary Business!** But instead **Bankers Trust Company** chose to do what felons do - they disingenuously did not reveal this damaging information to anyone since they knew it was toxic and would be their death knell. Documents/Records from the New York State Parole Board listed the issues and options facing **Bankers Trust Company** in its dilemma with regard to the Federal Felony convictions and their inability to continue as Trustees and Executors. One document prepared by the Parole Board lists the issues based on the record. (See Exhibit G - Undated document listing the issues "... just based on app's submission" - 1 pp.) In another document also prepared by the Parole Board titled "Options For Bank." lays out seven (7) options for **Bankers Trust Company**, the first one is "Advise each effected client on their upcoming inability to perform." (See Exhibit H - Undated document listing the "Options For Bank" - 1 pp.)

Bankers Trust Company and their attorneys repeatedly attempted to obtain a *Certificate of Relief From Disabilities* from the New York State Parole Board to be issued *simultaneously* with the sentencing/conviction in Federal Court on July 26, 1999. Unfortunately, these efforts were denied due to the fact that a *Certificate of Relief From Disabilities* cannot be applied for or issued prior to the *sentencing/conviction*.

Documents obtained from the independent investigation by the State of New York Division of Parole prior to issuance of any *Certificate of Relief From Disabilities* uncovered very disturbing and revealing facts. A "Memorandum" dated October 12, 1999 that was part of this investigation states in part - "Total amount 'inappropriately' taken was \$55.1 million. The plea deal covered \$19.1 million." (See Exhibit I- Copy of "Memorandum" dated October 12, 1999 - 1 pp.) Ultimately an alleged so-called "Corrected" *Certificate of Relief From Disabilities*, dated December 2, 1999, was issued by the New York State Parole Board **more than four (4) months following the sentencing/convictions of July 26, 1999**. It is important to note that it **was not retroactive to the sentencing/conviction date of July 26, 1999**. (See Exhibit J - Copy of alleged so-called "Corrected" *Certificate of Relief*

From Disabilities) The principal is really a very simple paradigm - you cannot receive an exemption **prior to or simultaneously** with the actual sentencing/conviction of a felony. Additionally, it is my understanding that if a felon changes it's name, as did **Bankers Trust Company** in April 2002, to Deutsche Bank Trust Company Americas, the felony carries through to the new name. To my knowledge Deutsche Bank Trust Company Americas has not been issued any *Certificate of Relief From Disabilities*. As you know, anyone who is a **Felon** or a **Dishonest Person** is barred from being either a **Fiduciary** or a **Trustee**.

Following the Federal Felony convictions in July 1999, **Bankers Trust Company** and their attorneys' White & Case were very concerned that they had no *Certificate of Relief From Disabilities* (Exhibit J) that would enable them to retain the Trust and Estates business. At that point one of their attorneys indicated to an Assistant US Attorney that they **were not going to get one**. To mitigate this matter they decided on another means to hold on to the Estates and Trusts that the Federal Felon **Bankers Trust Company** controlled (due to their status as an Executor or Trustee).

The scheme that was hatched involved the substitution of the Federal Felon, **Bankers Trust Company**, for another non-felon entity, in this case **Bankers Trust Company of New York**, which was all done pursuant to the New York State Banking Law. (See Exhibit K - Copy of Face Page of *Verified Petition*) The culmination of these Substitution actions took place in the New York State Supreme Court in New York County on December 17, 1999, (Index #99/121823) when the Estates and Trust were transferred to the new non-felon entity **Bankers Trust Company of New York**.

In early 2003 I challenged the substitution of fiduciary scheme and demanded to know if the Estate of my husband Edmund J. McCormick was among any of the Estates & Trusts that had been substituted by the action (Index #99/121823) filed by the Law Firm of White & Case. The Federal Felons' **Bankers Trust Company** and their attorneys had the pertinent documents impounded so no one would see them. In a *Decision and Order* dated August 12, 2003 on this matter Judge Carla Moskowitz after reviewing the record, ruled that the Estate of my husband Edmund J. McCormick, Sr., **had not been transferred** from the Federal Felon **Bankers Trust Company** to the substitute non-felon fiduciary **Bankers Trust Company of New York**. This decision was filed on August 18, 2003. (See Exhibit L - *Copy of Decision & Order of Judge Carl Moskowitz*).

Judge Moskowitz also denied **Bankers Trust Company** and their attorneys any sanctions against me, which they maliciously and oppressively sought. The other significant development was that both the Federal Felon, **Bankers Trust Company**/Deutsche Bank Trust Company Americas, and the substituted fiduciary

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pursuant to a court order, **Bankers Trust Company of New York**/Deutsche Bank Trust New York unilaterally renounced (See Exhibit **M** - *Copy of Renunciation from Bankers Trust Company and Bankers Trust Company of New York*) any Trusteeship involving any Trust called for in my husband's *Last Will & Testament*. (See Exhibit **A** - *Last Will and Testament*)

The Second Issue, the one that Judge Emanuelli had steadfastly refused to reveal, was unearthed by accident many years later. We discovered that, although **Bankers Trust Company** was nominated in my husband's *Last Will and Testament* (Exhibit **A** - *Last Will and Testament*), the *Permanent "Letters Testamentary"* dated January 25, 1989, (Exhibit **N** - *Copy of Letters Testamentary Serial #214216* given to me as a lawful Executrix) issued by the Westchester County Surrogate's Court, **did not name - Bankers Trust Company**. Instead, the *Permanent "Letters Testamentary"* named - **Bankers Trust Company of New York** (Also see Exhibit **O** - *Copy of Exemplified Copy of the Permanent "Letters Testamentary"* signed by Surrogate Judge Evans V. Brewster, dated April 10, 1989).

I have been informed by independent attorneys that if your name is not on the *"Letters Testamentary"* (See Exhibits **N** & **O**) you are not an Executor, you have absolutely no power to act as one, and doing so is fraudulent. I do not understand why the attorneys I hired to represent me failed to discover and disclose these material facts to me. No professional ever revealed this material fact. I was forced to detect this pertinent material salient fact through my own efforts.

Further, when **Bankers Trust Company of New York** was researched as to its origins, it was further revealed by the New York State Banking Department that **Bankers Trust Company of New York** did not become a legal banking entity until September 7, 1999 (as the result of a name change) **more than ten (10) years after the date (January 25, 1989)** of the *Permanent "Letters Testamentary"* (See Exhibit **P** - *Copy of New York State Banking Department History Web Pages 37 & 38*). Attached also is copy of the *Organization Certificate* of **Bankers Trust Company**/Deutsche Bank Trust Company Americas from the New York State Banking Department (See Exhibit **Q** - *Organization Certificate* - 5 pp.)

As you can see, for the record, from the enclosed documentation **Bankers Trust Company** at no time was ever known as **Bankers Trust Company of New York** nor was **Bankers Trust Company of New York** ever known as **Bankers Trust Company**. (See Exhibit **Q** - New York State Banking Department *Organization Certificate* for **Bankers Trust Company**/Deutsche Bank Trust Company Americas) These odious material facts that I learned from the New York State Banking Department are revealing and truly troubling.

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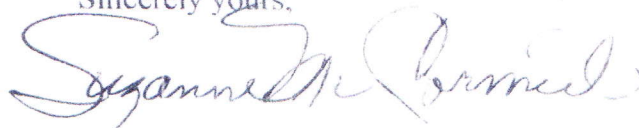
To summarize, the Federal Felon, **Bankers Trust Company**, and their attorneys have arrogantly engaged in all manner of nefarious and oppressive legal machinations, since their filing of the alleged so-called "Final Accounting" as a fraudulent Executor of which you are aware. At this point and time I believe that **Bankers Trust Company** / Deutsche Bank and their legal counsel have engaged in an ongoing fraud, conversion, cover-up and obstruction beyond the dreams of Nixonian proportions. Additionally, the Federal Felon, **Bankers Trust Company**, and White & Case have engaged in egregious bad faith and unclean hands for far too long.

Despite all the work that I was billed for I don't understand how the two (2) basic significant salient facts enumerated above were not discovered early on by you, since these facts would be the foundation of my husband's Estate. To this date I do not understand why you and your firm, didn't discover immediately these very serious, and basic elementary material facts? Incredulously and unfortunately these are the unsavory untoward material facts and terrible truths. This was no mistake! If it had been, it would have been professionally corrected! If my friends and I, without any legal training, could assemble and figure this out why couldn't you, as a legal professional? Do you think my expectations in this whole matter were or are unrealistic? I believe my actions as a legal Executrix have been prudent and continue to be not only prudent but ethical and truthful. Enclosed is an article from The Palm Beach Post on February 6, 2005 which tells only part of the story of the Estate (See Exhibit **R** - The Palm Beach Post).

At this time I feel like the people that reported and complained to the Securities and Exchange Commission, other authorities and oversight agencies about Bernard Madoff years ago and - **nothing was done!** The corruption, that is the underbelly of the Trust & Estate and Legal Business, has been traumatic to me and has eroded any trust that we may have had at the beginning of this journey. Fortunately, the undeniable truths, the unalterable facts, are such that time is on the side of the truth in this matter.

Please respond in writing in regard to these matters within five (5) working days upon receipt. Thank-you.

Sincerely yours,



Ms. Suzanne McCormick

Legal Executrix of the Estate of Edmund J. McCormick, Sr.

SM/ms

EXHIBITS

A. - Copy of Selected Pages from *Last Will and Testament* of Edmund J. McCormick dated November 20, 1985 drafted by White & Case, showing the names of the nominated Executors and Trustees - 4 pp.

B. - Copy of "*Petition For Payment of Executor's Individual Claims Pursuant to SCPA 1805*" dated February 7, 1989, submitted by the Law Firm of White & Case on behalf of their client **Bankers Trust Company** and filed on March 7, 1989, under File No. 3511/1988 Edmund J. McCormick, Sr. - 14 pp.

C. - Copy of "*Order For Payment Of Executor's Individual Claim*" dated March 6, 1989, signed by Surrogate Judge Evans V. Brewster and filed March 7, 1989, under File No. 3522/1988 Edmund J. McCormick, Sr. - 5 pp.

D. - Copy of Face Page of *Criminal Information* filed on March 11, 1999 in Federal Court of the Southern District of New York, USA v. **Bankers Trust Company** - 99CRIM0250 - 1 pp.

E. - Copy of *Letter Agreement* dated March 11, 1999 from the U.S. Department of Justice, U.S. Attorney, Southern District of New York regarding the plea deal involving US v. **Bankers Trust Company** - 5 pp.

F. - Copy of Face Page of *Transcript of Sentencing Hearing*, dated July 26, 1999, - United States of America v. **Bankers Trust Company** (99Cr250) held in United States District Court Southern District of New York before Hon. John F. Koeltl - 1 pp.

G. - Copy of Undated Document listing the issues "... just based on app's submission" from the New York State Parole Board - 1 pp.

H. - Copy of Undated Document listing the seven (7) "*Options For Bank*" from the New York State Parole Board - "Trust unit involved" - 1 pp.

I. - Copy of a "*Memorandum*" dated October 12, 1999 from James V. Murray, Director of Executive Clemency Bureau to Martin Cirincione, Executive Director, Division of Parole that shows the **true figure was \$55.1 million, not \$19.1 million** as **Bankers Trust Company** and their attorneys have stated. - 1pp.

J. - So-called, alleged "Corrected Copy" of *Certificate of Relief From Disabilities* dated December 2, 1999 issued by New York State Board of Parole to **Bankers Trust Company** for the federal felony convictions and specifically to "Relieve the holder of the forfeitures, disabilities or bars hereinafter enumerated S.C.P.A Section 707 (1) d" - 2 pp.

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K. - Copy of Face Page of Verified Petition Index No. 99/121823 dated September 29, 1999 and filed on October 29, 1999, wherein the Federal Felon, **Bankers Trust Company**, sought transfer of the Estates and Trusts that it held to the new non-felon banking entity **Bankers Trust Company of New York** this transfer was done pursuant to Court Order dated December 17, 1999 - 1 pp.

L. - Copy of Judge Moskowitz *Decision and Order* dated August 12, 2003 and filed on August 18, 2003 regarding, among other things, the fact that the Estate of Edmund J. McCormick, Index #3522/1988 was not transferred on December 17, 1999 to the new non-felon banking entity, **Bankers Trust Company of New York**. - 9 pp.

M. - A copy of *Renunciation of Appointment by Nominated Co-Trustee from Bankers Trust Company* n/k/a Deutsche Bank Trust Company Americas and **Bankers Trust Company of New York** n/k/a Deutsche Bank Trust Company New York (the substituted fiduciary pursuant to Court Order) dated April 18, 2003 - 4 pp.

N. - Copy of *Permanent "Letters Testamentary"* (Serial #214216 issued to Suzanne V. McCormick) of The *Last Will and Testament* of Edmund J. McCormick, dated January 25, 1989, issued by The Westchester County Surrogate's Court to Executrix Suzanne McCormick that clearly shows the listed Executors, including the non-legal entity **Bankers Trust Company of New York** - 1 pp.

O. - Exemplified Copy of the *Permanent "Letters Testamentary"* for the Estate of Edmund J. McCormick dated January 25, 1989, signed by Surrogate Judge Evans V. Brewster on April 10, 1989 that clearly shows the listed Executors including the non-legal entity **Bankers Trust Company of New York** - 2 pp.

P. - Copy of *New York State Banking Department History Website* (pages 37 & 38) that show the historical listing and origins for both the separate and distinct banking entities **Bankers Trust Company** (page 37) and **Bankers Trust Company of New York** (page 38) - 2 pp.

Q. - Copy of *New York State Banking Department Organization Certificate* of **Bankers Trust Company** now known as Deutsche Bank Trust Company Americas, due to a name change on April 15, 2002. - 5 pp.

R. - Copy of The Palm Beach Post article dated February 6, 2005 titled "*Widow sustains battle against bank*" - 3 pp.

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Return Receipt Requested