

- C O P Y -

By Hand

July 5, 1989

Hon. Samuel Fredman
Supreme Court
111 Grove Street
White Plains, New York 10601

RE: Breslaw v. Breslaw
Order to Show Cause/returnable July 10, 1989

Honorable Sir:

Please be advised that in view of the serious nature of the relief sought by Mrs. Breslaw's counsel in the aforementioned Order to Show Cause and the refusal on the part of the Court to accomodate my request for a postponement of the above motion (which is on for the first time on a date when I am scheduled to be out-of-town), I have decided to retain counsel to represent myself and my law firm in the matter.

For the record, I believe it would serve a salutary purpose to set forth the circumstances under which such refusal took place. On Friday, June 30th, I appeared in your Part at 9:30 a.m. in connection with my related Order to Show Cause in this matter signed by Judge Klein on June 23rd, returnable June 30th. Said Order required that I be served with answering papers "at least two days before the return date". This direction notwithstanding, and without any request for an extension of that Court-directed deadline, Mr. Landau did not serve his opposing papers until June 30th, the actual return date.

I was, apparently erroneously, informed by Ray Sirigno's office that Judge Klein would not be handling that motion and that the papers would be with you since you were handling the contempt motion returnable on July 10th. However, your Court Clerk, Laura Constabile, after checking into it, told me that Judge Klein was, in fact, still handling the June 23rd Order to Show Cause, and that the papers were not with her but with the Law Department.

Since Mr. Landau's opposing papers on that Order to Show Cause were plainly untimely, and since I was going to be unavailable for two weeks commencing on the July 10th date, I suggested that if, despite my objection, Mr. Landau's opposing papers were going

Exhibit "E"

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to be considered by Judge Klein, at very least, both matters be adjourned to a mutually convenient date to permit my reply to them.

Your Law Secretary instructed me to call Mr. Landau to see if he would consent to such adjournment. I immediately did so in the presence of Ms. Constabile. However, Mr. Landau's secretary informed me that he would not so consent--indeed, would not even take my call, although I told her that I was calling from your Chambers pursuant to the direction of your Law Secretary. Mr. Landau's secretary further told me that I should make whatever application I wished directly to the Court. When I conveyed that information to your Law Secretary, he told me he would call Mr. Landau himself. Over my vehement objection, however, he refused to do so in my presence. Instead, he went to you in your Chambers and made the call from there. When I requested the opportunity to be heard by you, I was told that that was not possible and that I would be notified later of your Honor's ruling. I was later notified by Ms. Vitiello of the Law Department that my requested adjournments of the July 10th return date, as well as of the motion before Judge Klein, were denied.

Additionally, I wish to draw the Court's attention to the fact that, notwithstanding that my offices are located in the building adjoining Mr. Landau's, he did not see fit to serve me with the Order to Show Cause signed by your Honor on June 22nd until 4 p.m. on June 26th.

I have turned my files over to my intended counsel for review. He has agreed to let me know shortly after my return on July 24th whether he will undertake the matter.

Under the circumstances, I respectfully request that the matter be adjourned for thirty (30) days.

Your kind consideration of this request would be deeply appreciated.

Very truly yours,

DORIS L. SASSOWER

DLS/hd

cc: Harvey Landau, Esq.