CIV 1 (Rev. 10/82)

SUMMONS IN A CIVIL ACTION

United States District Court

DISTRICT: EASTERN DISTRICT of NEW YORK

DOCKET NO.

George Sassower,

v.

Matthew J. Sansverie, et al.

CV 88-1423

CLASSER, J.

TO: (NAME AND ADDRESS OF DEFENDANT)

YOU ARE HEREBY SUMMONED and required to serve upon

PLAINTIFF'S ATTORNEY (NAME AND ADDRESS)

George Sassower, Esq.
16 Lake Street
White Plains, N.Y. 10603
914-949-2169

an answer to the complaint which is herewith served upon you, within
days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK

ROBERT C. HEINEMANN

DATE

5/6/88

(BY) DEPUTY CLERK

Pamela Warner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER,

Plaintiff,

-against-

MATTHEW D. SANSVERIE; DENIS DILLON; J. KENNETH LITTMAN; KENNETH M. COZZA; ROBERT RIVERS; MARY-RITA WALLACE; GERALD R. PODLESAK; DANIEL J. MOORE; NICHOLAS H. POLITAN; ROBERT ABRAMS; WILFRED FEINBERG; CHARLES L. BRIEANT; WILLIAM C. CONNER; EUGENE H. NICKERSON; FRANCIS T. MURPHY; MILTON MOLLEN; JOSEPH W. BELLACOSA; XAVIER C. RICCOBONO; IRA GAMMERMAN; DONALD DIAMOND; ERNEST L. SIGNORELLI; ANTHONY MASTROIANNI; KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; LEE FELTMAN; FELTMAN, KARESH, MAJOR & FARBMAN; NACHAMIE, KIRSCHNER, SPIZZ & LEVINE, P.C.; RASHBA & POKART; HOWARD M. BERGSON; REISMAN, PEIREZ, REISMAN, & CALICA; CLAPP & EISENBERG, P.C.; ROTHBART, ROTHBART & KOHN; SAMUEL A. ALITO, JR.; HUGH LEONARD; SILLS, CUMIS, ZUCKERMAN, RADIN, TISHMAN, EPSTEIN, & GROSS, P.C.; BERLIN, KAPLAN, DEMBLING & BURKE, P.C.; PETER SORDI; and MYRIAM J. ALTMAN,

Defendants.

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Plaintiff, a Chapter 13, debtor, with trust powers, as and for his complaint, respectfully sets forth and alleges:

1. On December 23, 1987, plaintiff commenced a case by filing a voluntary petition for relief under Chapter 13 of Title 11, United States Code ("case filing"), and brings this proceeding pursuant to 28 U.S.C. §1343, §1334, §1408, 18 U.S.C. §1961 et. seq.; 42 U.S.C. §1983, and rights which arise directly from the U.S. Constitution.

2a. KREINDLER & RELKIN, P.C. ["K&R"], FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], and LEE FELTMAN, Esq. ["Feltman"] -- "the merchants of corruption" -- who have engaged themselves in the massive larceny and plundering of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], which was involuntarily dissolved on June 4, 1980 -- eight (8) years ago -- will never be able to render a true accounting for such assets, as required by law, without dramatically exposing their charted course of criminal racketeering, which in addition to larceny, includes perjury, corruption, extortion, corruption, and other crimes, no matter how many judges and officials they compromise and corrupt!

b. ERNEST L. SIGNORELLI ["Signorelli"], the Surrogate of Suffolk's County, and his appointee, Public Administrator ANTHONY MASTROIANNI ["Mastroianni"], can never render a true judicial accounting, in a proper judicial proceeding, with respect to the ESTATE OF EUGENE PAUL KELLY ["Kelly Estate"], nor justify their barbaric conduct, without dramatically exposing the manner that Signorelli pays some of his personal obligations, no matter how much aid they may improperly receive from Presiding Justice MILTON MOLLEN ["Mollen"] of the Appellate Division, Second Judicial Department, or His Honor's thrall.

c. District Attorney, DENIS DILLON ["Dillon"] of Nassau County, could never justify the handling of the criminal proceeding against DENNIS F. VILELLA ["Vilella"], who was indicted, convicted, and sentenced to a maximum term of twenty-five (25) years for the "tire iron" attempted murder and first degree assault upon THERESA NAPPI ["Nappi"].

3. Plaintiff's Chapter 13 estate's interests in Puccini -- "the judicial fortune cookie" -- is as follows:

a. A wholly unsatisfied judgment against Puccini in the sum of #27,912.42, with interest from April 29, 1982.

b. A filed claim against Puccini for the sum of $3,000,000.

c. An attorney's lien on the 25% stock interests of HYMAN RAFFE ["Raffe"] in Puccini.

d. An attorney's lien on a judgment in favor of Raffe against Puccini in the approximate sum of more than $500,000, inclusive of interest.

e. An attorney's lien on a claim in favor of Raffe against Puccini in the approximate sum of almost $40,000, inclusive of interest.

f. A legal and/or equitable lien on the stock interests in Puccini by EUGENE DANN ["Dann"] and ROBERT SORRENTINO ["Sorrentino"], by reason of (1) the aforementioned judgment of $27,912.42, which includes Dann and Sorrentino, as judgment debtors, and (2) attorney's liens by virtue of various judgments and claims against them by Raffe.

4a. Plaintiff was and still is the trustee of various trusts of EUGENE PAUL KELLY, who assets were totally seized by Mastroianni, purportedly for the benefit of the Kelly Estate.

b. Plaintiff was, and claims he still is, the executor of the Kelly Estate, but was unlawfully removed by Signorelli, by retroactive ukase, because, inter alia, plaintiff does not believe that such estates are intended to serve Signorelli's personal interests.

5a. Vilella, a college graduate, very powerfully built, married, with two (2) children, extensively involved in community and civic affairs, was indicted and convicted for the aforementioned "tire iron" assault and attempted murder.

b. Nappi's uncorroborated trial testimony was that she was struck on the skull "about 20 times" (SM 91-92), with "a tire iron" (SM 91), "violently" (SM 102), "with everything you [Vilella] had to hit me" (SM 102), on "[her] head and [her] hands, protecting [her]self" (SM 91).

c. Nevertheless, the Hospital X-Ray Report and Trauma Assessment Record, both made within twenty-four (24) hours of such assault on Lady Rasputin shows "Skull shows no evidence of fracture. Sutures and vascular markings are normal", eye, leg, and arm movements normal, and the highest possible non-coma score!

d. Indeed, Lady Rasputin did not even have a bruise on her skull, the site of such alleged vicious "tire iron" assault.

e. Assistant Attorney J. KENNETH LITTMAN ["Littman"], managed to affirmatively deceive an obvious skeptical Grand Jury into accepting the perjurious Nappi testimony regarding her "six skull fractures", without inspecting the hospital record.

f. In a more spectacular manner, Littman, aided and abetted by DR. PETER SORDI ["Sordi"] and the trial judge, Hon. JOSEPH HARRIS ["Harris"], deceived the Trial Jury, as to the nature and extent of Lady Rasputin's injuries, also without inspecting the hospital records, although here again, marked into evidence.

AS AND FOR A FIRST CAUSE OF COMPLAINT
(FEDERAL INJUNCTION)

6. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "5" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

7. For thirty-five (35) years petitioner has been continuously a member of the bar of this Court, and is presently a member of the bar of this Court, in Good Standing.

8. Plaintiff has never resided nor had a place of business in Nassau County, nor in any adjoining county, and any and all business affairs, including court engagements, were always incidental to his practice elsewhere.

9. After the sentencing of Vilella in October of 1987, when Littman and Hon. JOSEPH HARRIS continued to propogate this multiple "skull fractures" fiction, although both of them had actual knowledge that these alleged crimes could not have been committed by Vilella nor anyone else, in view of the uncontrovertible hospital reports, affirmant began to expose this miscarriage of justice to extra-judicial forums, including to the media and disciplinary bodies, as was his constitutional right, if not societal and professional obligation.

10. Simultaneously, plaintiff to the same extra-judicial forums, was "blowing the whistle" concerning Puccini -- "The Judicial Fortune Cookie", and the Kelly Estate -- "Signorelli's Fortune Cookie", in addition to the Vilella matter.

11. Although the Puccini and Signorelli matters involved egregious criminal activities in Nassau County, of which plaintiff had no part, Dillon expressed, directly nor indirectly, any interest.

12. Quoting Assistant District Attorney MATTHEW D. SANSVERIE ["Sansverie"], the Daily News, on February 24, 1988, reported:

> "Sansverie said that after the [Vilella] trial, and on July 31, August 6, and August 11, Sassower filed three 'separate motions demanding that the court set aside the verdict.'

> Sassower drew the District Attorney's ire, Sansverie said, when he allegedly began writing 'a flurry of letters making allegations on his attorney-at-law stationery' about a doctor who testified in the case. Letters were sent to Dillon, the assistant district attorney, and to medical associations. One letter tried to enlist the help of a former juror."

13a. The immediate background to this, and another, newspaper publication, was that on February 19, 1988, Littman, executed a deceptive information affirmation wherein he simply stated that after the Vilella conviction, his office received, on or about, July 31, 1987, August 6, 1987, and August 11, 1987, from plaintiff (a) an "affirmation"; (b) an "affidavit"; and (c) a "notice of motion"; "on behalf of Dennis Vilella", each on a "blue back".

b. Based on such Littman affirmation, sworn criminal informations were executed by Detective Investigator KENNETH M. COZZA ["Cozza"] on February 22 and 23, 1988, which contained the additional statements that plaintiff was disbarred by the Appellate Division, Second Judicial Department, on February 23, 1987.

c. Except for any erroneous conclusion that the reader might assume from the facts set forth in the aforementioned Littman affirmation and Cozza complaints, there is nothing contained therein which states that plaintiff's conduct, as aforementioned, were unlawful -- the reader is simply prompted to assume the unlawfullness.

14a. At all times, Littman actually knew that plaintiff was representing Vilella, HAROLD COHEN ["Cohen"], and another, as their attorney, in the United States District Court for the Southern District of New York, after February 23, 1987 (Vilella, et el. v. Santagata, et el., 88 Civ. 1450 [GLG]), a fact that Littman deliberately omitted in his aforementioned affirmation.

b. As Cozza also actually knew, from the aforementioned three (3) documents themselves, plaintiff was lawfully admitted to practice law in the federal forum after February 23, 1987.

c. Where statute mandates the issuance of a summons (Criminal Procedure Law, §120.20[3]), was not Hon. JONAS H. BERNSTEIN entitled to a full and candid presentation prior to issuing a Warrant of Arrest in the first instance?

d. Was not Hon. ALLAN L. WINICK entitled to a full, candid and truthful presentation prior to issuing a general document search warrant?

15a. In plaintiff's "amicus affirmation" of July 31, 1987, wherein he details Littman's egregious conduct before the Grand Jury, before the Trial Jury, and elsewhere, plaintiff clearly and candidly set forth his legal status.

b. Indeed, as part thereof, plaintiff stated therein:

> "Affirmant, duly admitted to practice law in the United States Court of Appeals and the United States District Court for the Eastern District of New York, affirms the aforementioned to be true under penalty of perjury."

16. Some of the other statements made in such amicus affirmation, as are relevant to the issues herein, are as follows:

> "It would serve a salutory purpose to briefly review the legal background of this matter so that there be a proper understanding how in this, and other respects, Vilella, who could not have possibly committed this crime in the manner described, or in any other manner, was nonetheless convicted.
>
> Affirmant has been repeatedly convicted and incarcerated, without benefit of trial (although constitutionally mandated), for non-summary criminal contempt.
>
> Affirmant has the 'hard evidence' of unrelated judicial and official corruption, is 'blowing the whistle', and in attempt to compel affirmant's silence on the subject, he is being made the subject of in terrorem conduct by the judiciary, various involved officials, and his civil adversaries.
>
> Affirmant's conduct in this other matter is completely and totally unrelated to Vilella in the matter before this Court.
>
> Vilella and his wife, Rosemary, were both convinced that although they had borrowed and paid their attorney in this proceeding, ... Vilella's case was being very badly neglected and mishandled.
>
> Affirmant, several times refused to accept a substitution as the Vilellas desired, for various reasons, until affirmant became absolutely convinced that this matter had indeed been seriously and prejudiciallly neglected, at which time he reluctantly bowed to the overtures of Vilella and his wife.
>
> The file, as received from Mr. ..., revealed a total lack of investigation and preparation, and also the patent failure of Mr. Littman to make disclosures of mandated exculpatory information (Criminal Procedure Law §240; Brady v. Maryland, supra).
>
> Affirmant also requested the balance of the hospital report, since ... had only received the first nine (9) pages from Mr. Littman -- which did not include the X-Ray Reports ... -- and Mr. Littman, at that time, told affirmant that affirmant could subpoena same if he so desired.

Affirmant was state disbarred on February 23, 1987, and learned of that fact on February 27, 1987.

From March 1, 1987 to the present date, Vilella has made every possible legal attempt to secure judicial recognition of his constitutional right to counsel of his choice, to wit., your affirmant, as guaranteed by the VI and XIV Amendments of the Constitution of the United States.

Vilella did not voluntarily choose to be a pro se litigant (cf. Faretta v. California, 422 U.S. 806; McKaskle v. Wiggins, supra).

Vilella did not contractually retain a lay person, nor a disbarred attorney to represent him, but an attorney who was licensed to practice law.

It was affirmant, an attorney, who was not under interim suspension, who investigated, knew, and prepared Vilella's case, and was ready to present same giving great consideration to Vilella's private desires.

Had the Appellate Division concluded that affirmant was a threat to the public, it could have placed him under an interim suspension in 1985, when disciplinary proceedings were undertaken. That tribunal did not.

Absent manifest social necessity, triggering the state's police power, 'No state [can] ... [impair] the Obligation of Contracts' (Article 1, §10 of the Constitution of the United States)

.

Can the state constitutionally, in the midst of serious surgery, revoke a surgeon's license for the wilful failure to pay income tax, and immediately compel him to cease operating on his patient, after such patient paid for completed operative services?

Does not the patient have the constitutional right, under such circumstances, to insist that the surgeon continue, until conclusion, such operation, on the theory that a state cannot impair contractual obligations under the federal constitution?

How much public sympathy could such surgeon expect, if under the aforementioned circumstances, the surgeon blithely walked away from the operating table?

Similarly, Vilella for good and understandable reasons, some of which are set forth herein, desired that your affirmant present his case, and requested this Court, as well as other courts, to resolve such unique issue.

Affirmant, under such circumstances, petitioned the courts to set forth his obligations to Vilella and some of his other clients, under such circumstances.

At hand it is not a situation of a minor traffic violation, where substitute counsel is readily available, but instead, very serious felony charges, with draconian consequences to Vilella, his wife, his children, and his community, wherein he is an active participant.

In Vilella's view, shared by affirmant, Vilella's right to counsel of his, not the court's, choice, should be paramount and supersedes the [sham] disbarment Order, which was intended to extort silence by your affirmant.

The issue is of constitutional magnitude, and affirmant contends that Vilella and affirmant were entitled to a judicial answer, which they have not received.

What would a court do, if during a prolonged criminal trial, with multiple interdependent defendants, one of the attorneys learned he had been disbarred for an unrelated matter, when a mistrial would raise 'double jeopardy' considerations for all of the accused?

Assuredly, the judicial answer, in that situation, would be almost immediate!

There are situations, in life and law, where 'mere necessity brings with it a dispensation, since necessity knows no law' (St. Thomas Aquinas, Summa Theologica, [Benziger Ed.], p. 1022), or so affirmant asserts.

The right of self-representation is dependent upon the ability to make informed and intelligent decisions (People v. Smith, 68 N.Y.2d 737, 506 N.Y.S.2d 322; Marshall, J., dissenting in Raulerson v. Wainwright, 469 U.S. 966).

Affirmant, perceived it his duty to advise His Honor, prior to trial, that Vilella's intended decisions were not intelligently made.

His Honor, apparently impressed by Vilella's intelligence, made no independent 'Faretta inquiry'.

This intelligent person, supposedly travelled in full public view with Mrs. Nappi, from Queens to Nassau counties, assaulted her in his home town, and dumpted her body a few blocks from a police station!

Nevertheless, in affirmant's opinion, the non-delegable judicial determination is to assure itself that in the judicial forum, faced with serious charges, a defendant's decisions are informed and intelligent when he appears pro se.

At bar, Vilella's pro se decision was compelled by the fact that the courts have failed to consider his right to affirmant's representation.

Post-verdict overheard conversation reveals that at least one of the jurors read the Newsday account (Exhibit 'J'), with, inter alia, the fact that Mrs. Nappi had been treated at the Glen Cover Hospital for 'multiple skull and hand fractures'."

17. In plaintiff's affidavit of August 6, 1987, he stated in part:

"Deponent's disbarment was unrelated to this proceeding, and he verily believes that defendant should not bear any adverse consequences by reason of same.

Deponent also verily believes that his obligations to the defendant were contractual, which the state has no power to impair (U.S. Constitution, Article 1, §10), and that defendant was entitled to a judicial determination of such issue, as well as to his right to counsel of his choice, under the unique circumstances at bar.

Deponent states, what he has repeatedly stated, that simply because a surgeon losses his license in the middle of a major operation, for his wilful failure to file his tax returns, such discipline does not justify his abandonment of his patient, then and there.

Had deponent been disbarred in the midst of a long criminal trial, involving multiple, interrelated defendants, triggering 'double jeopardy' problems, your deponent verily believes that he would have been compelled to complete such trial by almost every trial jurist."

18. In full, plaintiff's affidavit of August 8, 1987, reads as follows:

"GEORGE SASSOWER, Esq., first being duly sworn, deposes, and says:

1a. This affidavit is in support of a motion to declare null and void all proceedings herein subsequent to February 23, 1987, the date deponent was purportedly disbarred by the Appellate Division, Second Judicial Department, for reasons totally unrelated to this criminal proceeding and the defendant.

b. This motion is made without prejudice to deponent's contention, herein very briefly summarized, that such disbarment Order was and is a constitutional and legal nullity.

2a. Prior to February 23, 1987, for good, legitimate, and compelling reasons, the defendant expressed his desire to retain your deponent to represent him in this proceeding, as was his constitutional and legal right.

b. Deponent undertook such representation, after initially rejecting several such overtures, after (1) deponent became convinced that defendant was not being properly represented by his former attorneys, as defendant and his wife repeatedly asserted; (2) after deponent tentatively concluded that he could produce an eminently justified 'not-guilty' verdict for the defendant; and (3) because deponent believed he had a professional and social duty and mandate to accept such retainer under the aforementioned circumstances.

c. Once an attorney undertakes legal representation, he is contractually obligated to his client to continue such representation, unless the actions or desires of the client constitute 'good legal cause' for terminating the relationship.

d. The attorney, like any fiduciary, owes undivided loyalty to his client alone, and the attorney must clearly subordinate his own interests and desires, in favor of the legitimate requests of such client.

e. At no time did the defendant conduct himself in any way which constituted 'good legal cause' to cause deponent to abandon his contractual obligations, and to provide anything less than 'zealous' and 'effective' representation.

3a. The State of New York, as well as every other state, when they agreed to become part of the United States of America, relinquished their power to impair contractual obligations (U.S. Constitution, Article 1, §10), such as existed between defendant and your deponent.

b. The State of New York, as well as every other state, when they agreed to become part of the United States of America, recognized the Constitution of the United States to (Article VI [2]:

> "be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws of any State to the Contrary notwithstanding."

c. Deponent's oath of office, also pledged obedience to the Constitution of the United States, as the 'Supreme Law of the Land'.

4a. Above and beyond the aforementioned, and subject to certain specific situations not here applicable, deponent knows of no lawful way the State nor any other third party can impair rights and obligations due to the defendant from deponent or anyone else, without notice to the defendant and without affording him an opportunity to respond and resist.

b. Defendant has insisted, always insisted, and still insists, that your deponent represent him in this matter, which deponent believes is defendant's contractual right, which this state, nor any judge thereof, has neither the constitutional power nor authority to 'impair', and certainly not without notice to the defendant, and without affording to him the right to controvert.

c. Your deponent and defendant have made every legitimate effort to obtain a judicial determination on this threshold issue, which indeed the merits are not disputed nor controverted, but, thus far, through no fault of theirs, they have been unable to obtain such a judicial determination.

d. Obviously, in federal court, where such application has also been made, and presently pends, there are rules of comity that necessitate that the state courts first be given the opportunity to make such determination, which as aforestated, the state courts have, thus far, failed to even address.

e. The constitutional right to access to the courts for relief, implies that the courts will determine bona fide judicial controversies, particularly where such determinations are conditions precedent to a determination by the federal forum.

5a. The fact that deponent is taking a 'financial bath' by such representation of defendant herein, which deponent can ill afford, is irrelevant, since once deponent committed himself to defendant's defense, and only the defendant can release him therefrom.

b. Since this Court has eliminated deponent from representing defendant since February 23, 1987, contrary to defendant's desires, all judicial proceedings are a nullity, including defendant's pro se representation on trial.

c. This assertion is made without prejudice to defendant's contention that other reasons exist for declaring such pro se trial to be a legal nullity.

* * *

6a. Deponent has consistently asserted that nothing more than simple common sense was or is necessary to recognize that defendant is not guilty of the crimes for which he was charged and tried, a point deponent shall not belabor herein.

b. Similarly, simple common sense compels the irresistible conclusion that your deponent was not disbarred for engaging in frivolous litigation. That assigned reason was simply contrived pretext.

c. Neither your deponent, a single practicioner, nor any other attorney in deponent's position, can financially afford to engage in frivolous litigation, since law is a business, as well as, a profession, and attorneys must pay their legitimate monetary obligations, like anyone else.

Common sense rejects any assertion by anyone that an attorney of moderate means will engage in frivolous litigation. The attorney cannot afford same, and his client will not tolerate such repeated expense.

d. Thus the assertion that deponent engaged in 200 frivolous suits, motions, and claims, as Newsday published, all in one matter, is sheer nonsense, since common sense would dictate that such alleged 'frivolous' conduct is simply not rationale, and no one has every accused deponent of not being rationale.

e. Every judge is the United States, without exception, and almost all lay people, know that unless one pleads guilty, no American Judge nor Court can convict, sentence, and incarcerate any person, without affording him a trial, including when the charge is non-summary criminal contempt (Nye v. United States, 313 U.S. 33; Ex parte Robinson, 19 Wall [86 U.S.] 505; Bloom v. Illinois, 391 U.S. 194).

(1) As a direct result of the impeachment proceedings of District Judge James Peck, Congress passed the Act of March 2, 1831, which made clear that no federal court that it created had such power.

(2) As the Supreme Court noted in Nye v. United States (supra, at p. 46):

> "... James Buchanan [thereafter President of the United States] brought in a bill which became the Act of March 2, 1831. He had charge of the prosecution of Judge Peck and during the trial had told the Senate: 'I will venture to predict, that whatever may be the decision of the Senate upon this impeachment, Judge Peck has been the last man in the United States to exercise this power, and Mr. Lawless [the attorney involved] has been its last victim." '

(3) The same limitation of judicial power was imposed by the Supreme Court on state judges and courts in (Bloom v. Illinois, supra).

Clearly, Mr. Lawless, an attorney, who was sentenced to be, and was, incarcerated for twenty-four (24) hours, for non-summary criminal contempt, was not "the last victim", since deponent, one hundred and fifty (150) years later, is repeatedly being made such 'judicial victim'.

f. Three (3) of such trial-less convictions, which deponent was permitted to controvert as unconstitutional, were the basis for deponent's disbarment (Grievance Committee v. G. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.]).

Otherwise stated, since the judiciary could not convict deponent with a trial, they began to convict and incarcerate him without any such trials.

7a. Obviously very high official and judicial powers desire that deponent keep quiet about the criminal conduct surrounding the judicial trust assets of PUCCINI CLOTHES, LTD. ['Puccini'].

b. Puccini was involuntarily dissolved on June 4, 1980 -- more than seven (7) years ago -- its assets became custodia legis under color of law at that point in time.

c. Although the receiver must account 'each and every year', in addition to filing each year a list of Puccini's assets, and the Attorney General obligated as a mandatory "duty" to compel a final accounting, if such a final accounting is not filed within eighteen (18) months, the Attorney General has failed and refuses to obey his statutory mandates (see e.g., Bus. Corp. Law §1216[a]; §1207[A][3]; 22 NYCRR §202.52[e], §202.53).

Indeed, the Attorney General, opposes the rendering of such accounting, when the application is made by others.

d. The Attorney General of the State of New York, Hon. ROBERT ABRAMS, the highest law enforcement officer in this State, is consistently seeking 'crooks' in almost every aspect of business life, always accompanied by media coverage, has attempted to conceal his own corruption, as well as that of others, in and out of his office in the Puccini matter.

e. There is absolutely no way that an accounting can be rendered for Puccini without disclosing the massive larceny, the plundering, the blatant perjury, the extortion, blackmail, and judicial and official corruption involved therein, unless your deponent agrees to a subscribe to a "criminal code of silence" on the subject.

f. Deponent has refused to keep silent about the criminal corruption of the Attorney General, his office, some of the members of the judiciary, and their corrupt 'friends', and consequently, in addition to being repeatedly incarcerated, without benefit of a trial, he has been disbarred, repeated barbaric orders have been issued directing the Sheriff of Westchester County to 'break into' deponent's premises, to 'seize all word processing equipment and soft-ware', and to 'inventory' deponent's possessions.

g. Deponent's bank deposited assets have been 'seized' under a 'phantom' judgment, his cases have been 'stayed', and deponent has been driven into bankruptcy.

8a. All this, and much more, has absolutely nothing to do with DENNIS F. VILELLA, or this criminal proceeding, or with defendant's basic constitutional rights to a fair trial, which includes counsel of his choice.

b. Until the defendant voluntarily releases your deponent from his contractual obligations, deponent's duties are crystal clear, and deponent intends to give obedience to such obligations, both in and out of the judicial forum, irrespective of what anyone says or does, except by lawful order of a court rendered after 'due process' is afforded.

c. Deponent's undivided loyalty is to the defendant, and no one else -- and that happens to be the uncontroverted law in all civilized societies, including the United States!

9a. If anyone doubts that such massive larceny of Puccini's judicial trust assets took place, merely request a copy of the accounting from Puccini's statutory trustee, Hon. Robert Abrams, or Senior Attorney, David S. Cook, Esq., or Assistant Attorney General Jeffrey I. Slonim, Esq., or Lee Feltman, Esq., the court appointed receiver, of 55 East 52nd Street, New York, New York, 10055.

b. The defendant will not be placed on the 'Cross of Corruption', nor denied his basic constitutional rights, in order to conceal the criminal conduct of others or for any other illegitimate reason, as long as deponent has voice to speak or paper to write upon.

c. To say more, would be supererogatory.

WHEREFORE, it is respectfully prayed that this motion be granted in all respects, with costs."

19a. At no time, did anyone, including anyone associated with the Office of the District Attorney, ever contend, expressly or impliedly, that plaintiff's aforementioned acts, in July-August 1987, or any other similar acts, were violative of any state law or judicial order until this state criminal proceeding was commenced in February of 1988 -- eight (8) months later, triggered by plaintiff's "flurry of letters".

b. Dillon's remedy for his "ire" being raised was to place his head in a bucket of ice water, not to institute a meritless criminal proceeding.

20a. Nevertheless, assuming arguendo plaintiff's guilt of state crimes, the state cannot commence state criminal proceedings eight (8) months later simply because one chooses to exercise his federal constitutional rights, particularly those contained in the First Amendment.

b. As a matter of federal law, an injunction must issue, either with or without a hearing, depending on the contents of the response, if any.

AS AND FOR A SECOND CAUSE OF COMPLAINT
(NULLIFICATION OF THE SEARCH AND SEIZURE ORDER)

21. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "20" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

22a. There was absolutely no reasonable cause of believe that plaintiff was disobeying any lawful order, assuming arguendo the Order of the Appellate Division was lawful.

b. Clearly there was no evidence or reasonable belief that any unlawfulness had its nexus with Nassau County, which is Dillon's limited jurisdictional bailiwick.

23. Nevertheless, even were plaintiff inexcusably violating the Order of the Appellate Division, then in issuing a search warrant, full and clear notice had to be given to Hon. ALLAN L. WINICK of all relevant facts to assure that clients' privileged communications (a) prior to February 23, 1987 was not read and/or seized; and (2) clients' privileged communications related to the federal forum was not read and/or seized.

24a. "Dillon's Gang" not only read and seized clients' lawful and confidential material, including that of Vilella and Cohen, but also read and seized documents in plaintiff's personal criminal file, and other personal material.

b. It is beyond comprehension to understand what reason existed for the seizure of the criminal information against plaintiff, and for the seizure of plaintiff's bail receipt.

c. In addition thereto, "Dillon's Gang" read and seized property protected under the "Privacy Protection Act of 1980 (42 U.S.C. §2000aa).

25a. The seizure of more than fifty (50) of plaintiff's "floppy discs", by itself, reveals a purpose of paralyzing plaintiff's ability to publish and lawfully litigate, rather than to find any evidence of crimes committed in Nassau County.

b. On information and belief, after the expiration of almost three (3) weeks the material on plaintiff's "floppy discs" had not been read or duplicated.

c. After the time had expired for Dillon to return the original or copies of the "floppy discs", pursuant to the Order of Hon. DANIEL J. MOORE, on information and belief, no print-outs had been made, the material not read, nor the discs duplicated.

d. It was, on information and belief, duplicated only when District Court Judge THOMAS W. DWYER directed that the Order of Hon. DANIEL J. MOORE be complied with, that such duplicates were made.

26a. In any event such general search warrants of books, papers, and records are void, where attorney's are involved, absent a clear and candid showing of all relevant facts and manifest need is shown to the jurist involved.

b. At bar, the jurist was totally deceived.

c. In the more than two (2) months that have elapsed since the seizure of plaintiff's books, records, popers and "floppy discs", Dillon has not even requested the inclusion of any additional counts!

27. The raid, including the discombobulation of plaintiff's papers, mirrored a Zenger purpose in preventing further publication, which was all but admitted in the Sansverie statements to the Daily News.

28a. The attempts to destroy plaintiff's ability to publish has a history that goes back as 1985, and which reached a point of legal depravity, when at the instance of the "merchants of corruption", Referee DONALD DIAMOND issued repeated Orders to the Sheriff of Westchester County directing that he "break into" plaintiff's premises "seize all word processing equipment and soft ware" and "inventory" his possessions.

b. The Sheriff consistently refused to give such Orders obedience, and opposed a proposed Order that he be directed to "break into" plaintiff's premises, "rip apart" plaintiff's "non-interest bearing mattress" in order to satisfy a "phantom" judgment.

AS AND FOR A THIRD CAUSE OF COMPLAINT
(NULLIFICATION OF THE WARRANT OF ARREST and ORDER)

29. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "28" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

30. Based exclusively on the Littman affirmation of February 19, 1988 and a Cozza information of February 22, 1988, and contrary to statutory mandate (Criminal Procedure Law §120.20[3]), Hon. JONAS H. BERNSTEIN issued a Warrant of Arrest that same day.

31a. Early the next morning, February 23, Cozza and his assistant travelled to Westchester County and arrested plaintiff.

b. Again contrary to statutory mandate (Criminal Procedure Law §120.90[3], plaintiff was taken to Nassau County, rather than taken before a local magistrate for the purpose of fixing bail.

c. On February 23, 1988, at 2:00 p.m., plaintiff was supposed to appear before Hon. MYRIAM J. ALTMAN in a mandamus proceeding to compel Hon. ROBERT ABRAMS ["Abrams"] to make application to compel LEE FELTMAN, Esq. ["Feltman"] to account for the judicial trust assets for Puccini, as required by Business Corporation Law §1216[a].

d. Business Corporation Law §1216[a] mandates that the Attorney General, as a ministerial duty, make application for an accounting after eighteen (18) months -- and it is now eight (8) years!

e. There was and could be no opposition to the relief requested.

f. The arrest and removal of plaintiff to Nassau County prevented him from appearing in Court, a First Amendment right.

g. Thus, while plaintiff was in custody, FKM&F caused such proceeding to be transferred to Hon. IRA GAMMERMAN ["Gammerman"], a corrupt judge of the first magnitude, who is heavily involved in the Puccini matter, and totally disqualified for numerous reasons.

32. Such reference, while plaintiff was unlawfully in custody, was a direct affront to plaintiff's federal constitutional right to access to the courts for relief, an extrinsic fraud, and should be declared a nullity.

AS AND FOR A FOURTH CAUSE OF COMPLAINT
(NULLIFICATION OF GAMMERMAN ORDER)

33. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "32" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

34a. Hon. IRA GAMMERMAN, a corrupt judge of the first magnitude, a "judicial caesar", and lackey of Administrator XAVIER C. RICCOBONO ["Corruption Incarnate"], stayed the application pursuant to his own 1986 stay order.

b. Obviously since Feltman cannot account without totally exposing the massive larceny, plundering and judicial and official corruption, the "merchants of corruption" enlisted the aid of Gammerman and Hon. WILLIAM C. CONNER ["Conner"] to issue ukases that Feltman need not account unless they so decree, all law and statutes to the contrary notwithstanding.

35a. In 1986 after plaintiff had brought down to defeat more than twenty (20) contempt proceedings, Gammerman, without any notice of motion, without any order to shown cause, without any moving affidavit or affirmation, without any papers whatsoever, either in support or in opposition, and without any notice, simply held plaintiff to be in non-summary criminal contempt, and imposed sanctions, which included such stay proviso.

b. The aforementioned Order by "no-law Gammerman", as well as his other "no jurisdiction" "out of orbit orders" should be declared null, void, and of no effect, as an affront to the Constitution and laws of the United States, and the product of corruption.

AS AND FOR A FIFTH CAUSE OF COMPLAINT
(NULLIFICATION OF PROCEEDINGS)

36. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "35" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

37. All offensive proceedings against the plaintiff, in all judicial forums, state and federal, commencing with February 23, 1988, should be declared null, void and of no effect, as inter alia an extrinsic fraud since by reason of plaintiff's arrest, incarceration in Nassau, the seizure of his books, papers, documents, and "floppy discs", the "wrecking crew" approach employed by "Dillon's Gang" with respect to plaintiff's other papers and documents have prevented him from fully and properly presenting his case and position.

AS AND FOR A SIXTH CAUSE OF COMPLAINT
(FEDERAL INJUNCTION)

38. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "37" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

39. Until such time as there is full, strict, and complete compliance by Dillon of the Order of Hon. DANIEL J. MOORE with the Order of March 16, 1988, with respect to the return of plaintiff's seized property all offensive action taken by or on behalf of the defendants, in all courts, state and federal, the same should be declared stayed.

AS AND FOR A SEVENTH CAUSE OF COMPLAINT
(MONEY DAMAGES)

40. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "39" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

41. On or about March 1, 1988, plaintiff commenced a proceeding in Supreme Court, Nassau County, which requested as relief, inter alia, the return of plaintiff's books, records, papers, documents, and "floppy discs", which proceeding was made returnable April 5, 1988 and was assigned to Hon. BEATRICE S. BURSTEIN.

42a. In order to needless delay compelling non-federal relief to the plaintiff, the defendant GERALD R. PODLESAK, Esq. ["Podlesak"], with the express approval of defendant Sansverie, communicated ex parte with Hon. BEATRICE S. BURSTEIN, and falsely advised Her Honor that Dillon had not been served.

b. That Podlesak and Sansverie knew such ex parte communication to be false since previously, Podlesak, in the presence of Sansverie had personally been given a copy of the first page of the Notice of Petition, with contained an admission of service on its face.

43. Such ex parte communication was violative of Judiciary Law §487, delayed relief due plaintiff, including the return of his seized material, and money damages are demanded, as set forth in such statute, by way of a jury trial.

AS AND FOR A EIGHTH CAUSE OF COMPLAINT
(MONEY DAMAGES)

44. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "43" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

45. Plaintiff, an attorney in Good Standing in the United States Eastern District of New York, as an attorney represents Vilella and Cohen, in an action for money damages against Littman, Sansverie, Dillon and others.

46. Without the consent of plaintiff, Sansverie, on information and belief, with the knowledge and consent of his attorney MARY-RITA WALLACE, Esq. ["Wallace"] communicated with ROBERT RIVERS, Esq. ["Rivers"] for the purpose of, through him, communicating with Vilella

47a. Those communications, oral and written, had its purpose of intimidating Vilella and his spouse into discontinuing or abandoning his meritorious action against members of Dillon's Office and others, including Sansverie, by advising Vilella and his spouse that Vilella would be liable for costs, that plaintiff was going to be disbarred by Hon. I. LEO GLASSER, from practice in the Eastern District of New York, thus affording Vilella little option.

b. To those threats, with the knowledge and consent of Sansverie and Wallace, Rivers added his own concoctions, to wit., that such action was delaying a determination of Vilella's appeal, when in fact no appeal was pending.

48. That such and other threats were and are outrageous, tortious, and actionable, since they caused plaintiff, as well as others needless emotional stress and wrongfully interfered with his relationship with his client, and were so intended.

49. For such conduct, plaintiff demands money damages by way of a jury trial.

AS AND FOR A NINTH CAUSE OF COMPLAINT
(MONEY DAMAGES)

50. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "49" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

51. There is pending a proceeding in the Bankruptcy Court of New Jersey before Hon. DANIEL J. MOORE, wherein the "merchants of corruption" have "hijacked" the "judiciary machinery of justice", depriving plaintiff of due process of law.

52. As a result of same, plaintiff demands money damages in this Dennis v. Sparks (449 U.S. 24) cause of action, against the participating defendants, except Hon. DANIEL J. MOORE, and for such purpose plaintiff requests a trial by jury.

AS AND FOR A TENTH CAUSE OF COMPLAINT
(MONEY DAMAGES)

53. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "52" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

54. There are however actions by Hon. DANIEL J. MOORE which are not immune from money damage relief, and for such misconduct this cause of action, demands damages from the participating defendants, including Hon. DANIEL J. MOORE.

55a. Thus His Honor knows that he does not have contempt power, but sua sponte on April 8, 1988, without notice or warning, His Honor stated that he probably will impose draconian sanctions against plaintiff in favor of the United States and plaintiff's adversaries, unless plaintiff mends his ways, and does not refer to some of his adversaries, in plaintiff's writings as "criminals with law degrees" and similar terms, and that they have made His Honor's forum into a "cesspool".

b. There is not dispute with respect to the facts asserted in support of such terminology, indeed the "merchants of corruption" openly boast that they "control" the judiciary, federal and state, nisi prius and appellate.

c. DONALD F. SCHNEIDER, Esq. ["Schneider"] openly "laughs" in the courtroom itself, during judicial proceedings, at His Honor's fecklessness when the events relating to the Dillon's Office refusal to attend a hearing ordered by His Honor.

d. Except for plaintiff's provocative style of writing, Hon. DANIEL J. MOORE has never had cause to complain about plaintiff's conduct in the courtroom during judicial proceedings.

e. The aforementioned "threats" on April 8, 1988, has completely prevented plaintiff from exercising his First Amendment rights.

56a. The vehicle for such draconian imposition is to be Rule 11 and/or its counterpart contained in Bankruptcy Rule 9011, despite blackletter law on the subject, particularly in the Third Circuit.

b. Such conduct by Hon. DANIEL J. MOORE is a wilful usurpation of legitimate and authorized authority, for which there is no damage immunity.

57a. On probably the most essential issue involved in the proceedings, Hon. DANIEL J. MOORE, without notice, directed plaintiff to take the witness stand and respond to questions by plaintiff's adversaries, which he did over a period of two days.

b. Hon. DANIEL J. MOORE, knew that when His Honor commenced such "no notice" hearings plaintiff was suffering from the infirmity caused by the discombobulation of his papers by the "Dillon Gang".

c. In any event, when it approached plaintiff's time to present his case by oral, including compelled, testimony, His Honor stated that plaintiff had "no right" at making an oral testimonial presentation.

d. As a matter of ministerial obligation, involving no discretion whatsoever, when a hearing is ordered and held, after one side makes his oral presentation, the other side has a similar "right" as His Honor knows.

e. There is no damage immunity, where the conduct is ministerial.

58a. For his attorney in a mandamus and/or prohibition proceeding, His Honor obtained and/or accepted plaintiff's adversary in the litigation before His Honor.

b. Thus, the same Assistant U.S. Attorney simultaneously acts, with respect to the subject matter of the litigation, as (1) an advocate in the forum of Hon. DANIEL J. MOORE; and (2) as the attorney for Hon. DANIEL J. MOORE in the District Court, for which plaintiff claims there is no judicial immunity both by Hon. DANIEL J. MOORE or his attorney, for all of which plaintiff demands a jury trial.

AS AND FOR A ELEVENTH CAUSE OF COMPLAINT
(MONEY DAMAGES)

59. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "58" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

60a Employees of the United States District Courts, including those in New Jersey, are federal employees with whom plaintiff has a constitutional right of association.

b. Plaintiff inquired of one such employee as to the procedure for presenting a temporary restraining order, and was advised that one telephones chambers, and requests a date and time, which plaintiff did.

c. Plaintiff did exactly as advised, made the request, without even stating the relief desired, and was told by the law clerk of Hon. NICHOLAS H. POLITAN, after some wait, that His Honor would not accept any application for interim relief from plaintiff.

d. Thereafter, plaintiff received a short order that communications by plaintiff "only" were to be in writing, and to confirm that plaintiff had been given the correct information, again inquired (by telephone) as to the procedure for obtaining a temporary restraining order, and by another clerk was given the same information as previously.

e. Thereafter, on April 27, 1988, when plaintiff received a notice of motion, with a postmark of April 25, 1988, returnable May 16, 1988, and telephoned, if under the circumstances, the clerk's office would accept a notice of cross-motion mailed two (2) days later, or April 29, 1988, plaintiff was advised in the negative, but also advised that the Clerk's Office was directed and instructed, presumably by Hon. NICHOLAS H. POLITAN, not to give plaintiff any information or advise.

f. As a consequence thereof, plaintiff has almost totally refrained from communicating with the Clerk's Office, or associating himself with them, even in a most professionally proper manner for the members of that office fear possible consequences for disobedience of the aforementioned direction.

g. Thus, for example, the motion which was noticed for May 16, 1988, was unilaterally advanced to May 9, 1988, which means that plaintiff's opposing papers or a cross-motion was due on April 22, 1988 -- or five (5) days before receipt.

61. By reason of the aforementioned denial of the right to associate, and deprivation of equal protection of the laws, affirmant requests damages of Hon. NICHOLAS H. POLITAN, for which a jury trial is demanded.

AS AND FOR A TWELFTH CAUSE OF COMPLAINT
(EXTRINSIC FRAUD)

62. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "61" inclusive, with the same force and effect as though more fully set forth herein at length, and further alleges:

63. Judicial receivers and/or members of their firms, and/or their co-conspirators, who "pay-off" or otherwise corrupt members of the judiciary, officials, and/or their cronies are simply not entitled to greater rights, privileges, and/or immunities than those that are honest.

64. No judge, Article I, Article III, or state, should have to have imposed on him "marching orders" from corrupt judicial administrators, chief judges, presiding justices, and/or colleagues.

65. Certainly, "merchants of corruption" should not have the power in incarcerate adversaries without benefit of trial, break into their homes, steal, plunder, extort, all with impunity.

GEORGE SASSOWER, Esq., duly affirms the following to be true under penalty of perjury.

I have read the foregoing complaint, know of its contents, and the same is true to my own knowledge, except as to matters stated therein to be on information and belief, and as to those matters, he believes them to be true.

Dated: May 6, 1998

GEORGE SASSOWER