Form B

[UNPUBLISHED]

At a term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York, on November 19, 1982

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

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

Grievance Committee for the Ninth Judicial District,

Petitioner,

-against-

George Sassower,

Respondent.

M-1425

M-2967

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

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

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

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

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

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

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

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

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

ENTER:

JOSEPH J. LUCCHI
Clerk.

APPELLATE DIVISION SUPREME COURT-FIRST DEPARTMENT
STATE OF NEW YORK

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

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

Joseph J. Lucchi
Clerk