

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPT.

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In the Matter of GEORGE SASSOWER, an
attorney and counselor-at-law,

GRIEVANCE COMMITTEE FOR THE SECOND AND
ELEVENTH JUDICIAL DISTRICTS,

Petitioner,

GEORGE SASSOWER,

Respondent.

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S I R S:

PLEASE TAKE NOTICE, that upon the annexed
affirmation of GEORGE SASSOWER, Esq., dated December 19, 1986,
and all the pleadings and proceedings had heretofore herein, the

respondent will move this Court at a Stated Term of this Court held at the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, at the Courthouse thereof, 45 Monroe Place, Brooklyn, New York, 11201, on the 9th day of January, 1987, at 9:30 o'clock in the forenoon of that day or as soon thereafter as Counsel may be heard for an Order (1) dismiss the within disciplinary proceedings; alternatively, (2) to reopen the said hearings, as a matter of right, by reason of newly disclosed evidence, heretofore concealed; and (3) transfer same to another department; (4) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 2214(c), FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. and/or ROBERT H. STRAUS, Esq., shall serve and file the purported "accounting" noticed for October 30, 1986, and produce the documents recited in the agreement of September 4, 1986, seven (7) days before the return date of this motion, with an additional five (5) days if such service is by mail.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served upon the undersigned, at least seven (7) days before the return date of this motion, with an additional five (5) days if such service is made by mail.

Dated: December 19, 1986

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for respondent
51 Davis Avenue,
White Plains, N.Y. 10605
(914-949-2169)

To: Robert H. Straus, Esq.
Feltman, Karesh, Major & Farbman, Esqs.
Presiding Justice Milton Mollen
Associate Justice Isaac Rubin
Chief Administrator Joseph W. Bellacosa

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GEORGE SASSOWER, Esq., an attorney,
admitted to practice law in the courts of the State of
New York, does hereby affirm the following statement to
be true under penalty of perjury:

1a. This affirmation is in support of a motion (1) to
dismiss the within disciplinary proceedings; alternatively, (2)
to reopen the said hearings, as a matter of right, by reason of
newly disclosed evidence, heretofore concealed; and (3) transfer
same to another department; (4) together with any other, further,
and/or different relief as to this Court may seem just and proper
in the premises.

b. This motion is without prejudice to pending motions by your affirmant in this Court for similar or related relief.

c. This motion is also without prejudice to a proposed action and proceeding in the federal forum.

2a. On this day, December 19, 1986, in the afternoon, your affirmant saw and obtained copies of some of the documents in the purported "accounting" of LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver for PUCCINI CLOTHES, LTD. ["Puccini"], prepared by FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"].

b. Unquestionably the judiciary is faced with the most horrendous scandal since the conviction of Chief Judge MARTIN T. MANTON, of the United States Circuit Court of Appeals, for the Second Circuit, almost fifty (50) years ago, and probably far greater.

c. This document submitted as an "accounting", is not an accounting, but instead an effective confession of the massive larceny of judicial trust assets, perjury, official and judicial corruption, criminal extortion, blackmail, and other criminal conduct.

d. Affirmant knows of no case of judicial corruption where so many jurists, state and federal, nisi prius and appellate, are criminally and/or unethically involved.

e. There is no reasonably possible way anyone can examine the papers on such purported accounting, in conjunction with the other material in the possession of your affirmant, without concluding that (1) Presiding Justice MILTON MOLLEN and Associate Justice ISAAC RUBIN, as well as other jurists in this department, have actual knowledge that this disciplinary proceeding is a fabricated and contrived sham; (2) that Presiding Justice MILTON MOLLEN, Associate Justice ISAAC RUBIN, and others, have agreed to aid, abet, and/or facilitate the concealment of such criminal conduct by the judiciary and its "friends" in the First Department, through this proceeding.

f. The Feltman purported "accounting", also reveals that affirmant is honest, clean, and beyond legal, ethical, and moral reproach, in this and related matters.

g. Affirmant will again repeat, what he has often repeated, he will not succumb to the misconduct and pressures of the "criminals with law degrees", their stable of corrupt judges, and the others in conspiracy with them.

h. Such purported "accounting", which is simply a confession of criminal conduct, also implicates ROBERT H. STRAUS, Esq. ["Straus"], petitioner's attorney herein, as about the most unethical public prosecutor and most unethical attorney for a disciplinary committee, that every held such title or position anywhere.

i. Obviously, under such circumstances, it becomes apparent why Presiding Justice MILTON MOLLEN, Straus, Feltman, and FKM&F, have refused to serve and file a copy of such "accounting" with this Court and serve affirmant with same.

j. In papers filed in federal court, your affirmant has shown that the affidavit of service swearing that affirmant had been served with such "accounting", as well as the Feltman affidavits to the same effect, are perjurious.

3a. There is simply no accountant, certified or otherwise, nor bookkeeper, half-blind or otherwise, who would assert that such Feltman "accounting" is an accounting, except in name!

b. Since the criminal conduct implicit in such document labelled an "accounting", involved conduct and jurists in Westchester, Kings, and Nassau Counties, copies of this motion is being sent to the District Attorneys of such counties, as well as the U.S. Attorney for the Eastern and Southern District of New York.

c. Such submission will be supplemented to them, by additional information, as pertains to their jurisdictional bailiwick.

d. Additionally, the relevant facts and documents will be sent to the legislature, the media, and other interested groups.

4a. Almost all of the documents contained in such purported "accounting" were executed after the close of the hearings herein, and to that extent, the request for additional hearings, is made as a matter of right!

5a. Forty-two (42) years ago this week, with a little ammunition, affirmant was able to hold his ground, and thereafter extricate himself.

b. Had affirmant had the ammunition that he has today in the Puccini matter, he figuratively could have eliminated the entire German Army, singlehanded, that broke through in the Ardennes.

6a. Straus, in his presentment, in almost every material aspect, relied on perjurious testimony (Brady v. Maryland, 373 U.S. 83); and concealed exculpatory and vindicating material (Bagley v. U.S., U.S. , 105 S.Ct. 3375; United States v. Agurs, 427 U.S. 97; Giglio v. U.S., 405 U.S. 150, 154; U.S. v. Sruelowitz, 785 F.2d 382 [2d Cir.]).

b. Such misconduct was made more egregious by, in concert with Referee M. MICHAEL POTOKER, this Court, and FKM&F, in denying to affirmant subpoena power, and causing served subpoenas duces tecum to be quashed.

c. Additionally, despite vehement protests by your affirmant, Straus had his witnesses come to court and testify, without the documentation that affirmant requested.

d. Now, in such purported "accounting", some of the information which affirmant desired at the hearings, has surfaced.

7a. Puccini was involuntarily dissolved on June 4, 1980, almost seven (7) years ago, its assets and affairs becoming custodia legis.

b. Puccini before and after its involuntary dissolution was a person within the meaning of the XIV Amendment of the U.S. Constitution, entitled to "due process", "equal protection of the laws", and other basic constitutional rights.

c. Puccini's assets were and are held under "color of judicial and official law", with the meaning of 42 U.S.C. §1983.

8a. Affirmant has in his possession the sworn confession of ARUTT, NACHAMIE, BENJAMIN, LIPKIN & KIRSCHNER, P.C. ["ANBL&K"], now NACHAMIE, KIRSCHNER, LEVINE, SPIZZ & GOLDBERG, P.C. ["NKLS&G"], that they were the recipients of Puccini's assets, over the amount of \$3,800 [hereinafter explained] set forth in Schedule "A", after June 4, 1980.

b. Schedule "A" is a statement of all income received by Feltman, since he qualified as the receiver for Puccini, as such schedule is found in such "accounting".

c. Affirmant has in his possession the sworn confession of JEROME H. BARR, Esq. ["Barr"], an associate of KREINDLER & RELKIN, P.C. ["K&R"], that he and CITIBANK, N.A. ["Citibank"] were the unauthorized recipients of Puccini's judicial trust assets after June 4, 1980.

d. Affirmant has a copy of a Feltman affidavit, dated March 5, 1986, when the "thieves with law degrees", to wit., FKM&F, K&R, and NKLS&G, had a temporary falling out, and wherein Feltman states (p. 6):

"[T]hey [Kreindler & Relkin, P.C.] have substantially delayed the dissolution proceeding by impeding discovery sought by the Receiver concerning (i) the amounts that the Kaufman Estate received from Puccini after the Dissolution Order was issued enjoining such payments, and (ii) the books and records of Puccini that appear to be missing. For example, the Kaufman Estate refused to comply with a Subpoena Duces Tecum for eighteen months and remains in default in providing certain discovery despite judicial directives. Moreover, in an effort to block a lawsuit by me as Receiver against the Kaufman Estate to recover for the insolvent Puccini Estate the payments received and retained by the Kaufman Estate in violation of the Dissolution Order in this proceeding, they have adopted the position that my law firm has a conflict of interest and I should retain another firm to prosecute such suit, threatening to delay such required lawsuit by a disqualification motion [emphasis in original]."

e. The cash assets, unlawfully taken from Puccini, as hereinabove described, do not appear in Schedule "A", nor any other place in the Feltman, purported "accounting"!

9a. Puccini's entire inventory was liquidated by approximately twelve (12) employees in the seven (7) months that followed June 4, 1980.

b. That income, from the sale of Puccini's inventory, has been concealed in the sum of \$502,065.03. It amount to \$512 gross!

c. Can anyone believe that twelve (12) employees, liquidated Puccini's entire inventory in seven (7) months and the gross income was only \$512?

10a. The bank records reveal that debits were made against Puccini's bank account exceeded \$4,000,000, during times when no court appointed receiver was signing checks!

b. The Order of Involuntary Dissolution itself, dated June 4, 1980, prepared by K&R, and the Order of Mr. Justice EDWARD J. GREENFIELD, dated January 5, 1981, specifically prohibits and declares null and void any transfer of assets after June 4, 1980, without the receiver's written consent.

Where are the monies taken from Puccini's bank deposited assets?

11a. Where does one find any listing of accounts receivables in such purported "accounting"? Where are the monies that Feltman and FKM&F received or should have received from such accounts receivables? What efforts were made to collect such accounts receivables?

b. This purported "accounting", is an accounting that does not have accounts receivables, and it attempts to conceal that FKM&F made no attempt to collect same, or if some of the receivables were collected during the Feltman tenure, it was not credited to Puccini!

12. Where is the income from prepaid insurance, prepaid expenses, furniture, and fixtures, in such purported "accounting"?

13. Where is there any reconciliation? When the claim is that there has been larceny and misappropriation, a reconciliation is about the most important schedule!

14a. There is an income entry for \$3,800.00, with the explanation that it is the:

"amount recovered from the escrow account of the attorneys for shareholders Eugene Dann and Robert Sorrentino [in June 1984]".

b. Hogwash!

c. There was an invoice outstanding by the accounting firm of RASHBA & POKART [R&P] to their clients, K&R, for \$6,200, which K&R desired to pay from Puccini's judicial entrusted assets!

d. R&P obviously would not take a check issued from Puccini's account, since they knew only a receiver could sign said check.

e. Consequently, ANBL&K, although knowing it was unlawful, had a check drawn in its favor for \$10,000, with the false legend that it was for "legal" work.

f. ANBL&K, then "laundered" such monies through its account, gave \$6,200 of such "laundered" monies to R&P, in payment of its invoice to K&R, keeping for itself the sum of \$3,800 as a "laundering fee".

g. Thereafter, to conceal such larceny and laundering, Feltman had Mr. Justice MARTIN H. RETTINGER, a corrupt jurist, appoint R&P, to investigate K&R and ANBL&K, without disclosing the disqualifying relationships.

h. Think of it, of all the accounting firms in New York City, Mr. Justice MARTIN H. RETTINGER, on Feltman's application, had R&P appointed to investigate their own client, and investigate the firm that previously "laundered" monies to them.

i. When affirmant thereafter learned of such relationships, and the "laundering process" that took place, he clobbered ANBL&K into repaying such "laundering fee" of \$3,800!

j. There is no evidence that such "laundering fee" was always kept in ANBL&K's escrow account, since it had been retained by ANBL&K for three (3) years as a "laundering fee" earned.

k. The appointment of R&P by Mr. Justice MARTIN H. RETTINGER, to investigate K&R and ANBL&K, was made not to reveal, but to conceal!

l. Mr. Justice MARTIN H. RETTINGER, a criminal court judge, is himself a criminal, consorting and conspiring with criminals!

15a. Despite such disqualifying disclosures, Feltman thereafter made payments, as shown on the disbursement sheets of such purported "accounting" (Exhibit "B") to R&P of \$3,554.00 (9/6/83); \$8,724.35 (9/17/84); \$1,815.00 (5/25/85); and \$1,950.00 (9/9/86) or a total of \$16,043.35. With the \$6,200, it received from Puccini's assets in payment of an invoice to K&R, the amount expended from Puccini's assets to pay such corrupt accounting firm was \$22,243.35, for which Puccini received no benefit!

b. Thus from Puccini's trust assets, there was paid to R&P, the sum of \$22,243.35, to conceal the larceny from its own judicial trust assets.

c. \$22,243.35 for a purported "accounting", which is not any accounting, since the schedules do not reveal any accounts receivables, prepaid expenses, and any assets, except monies received by Feltman. Nor is there any reconciliation schedule, because with the massive larceny that took place, no reconciliation can be made!

16a. Examination of Schedules "A" and "B" reveals that there is not a single item which benefited or was intended to benefit Puccini and which can be attributed to the efforts of Feltman or FKM&F.

b. For doing nothing, absolutely nothing, to benefit Puccini, FKM&F took from Puccini, the "judicial fortune cookie" \$109,258.93 (7/5/84); \$4,202.72 (9/12/84); \$140,585.41 (4/3/85); \$311.94 (4/3/85); \$303,580.01 (11/25/85); and \$122,500.00 (9/15/86), or a total of \$680,439.01 -- from Puccini, for doing absolutely nothing to benefit Puccini.

17. Having cleaned out Puccini's assets, so that it had nothing left, FKM&F now began to criminally extort monies from affirmant's client, HYMAN RAFFE ["Raffe"] in the tune of hundreds of thousands of dollars, actively aided, abetted, and facilitated, by members of the judiciary, and their "quislings with law degrees"!

18a. In addition to not recovering any monies for the cash and other assets unlawfully taken from Puccini, Feltman and FKM&F caused additional and needless liabilities to be imposed on Puccini.

b. For example, K&R moved for summary judgment against Raffe, and Raffe opposed on the grounds, inter alia, that K&R and its clients had unlawfully dissipated Puccini's assets. Additionally, Raffe cross-moved for judgment over against Puccini, a third party defendant, in the event K&R recovered against him.

c. Obviously, K&R would not have made such summary judgment motion had it known that in submitting its perjurious affidavits, Feltman, FKM&F, and ANBL&K would not expose same for their true nature.

d. In rebutting Raffe's opposing affidavit, there was submitted to Mr. Justice THOMAS V. SINCLAIR, JR., the Barr affidavit of July 21, 1981, the associate of K&R, who falsely swore:

"Unfortunately, it is necessary to correct some of the incredible misstatements and outright falsehoods contained in the Raffe affidavits.

The Estate of Kaufman has received no monies from Puccini Clothes, Ltd. ... [He and Citibank] do not have any access to it['s assets], nor have they received any monies from Puccini."

When, in April 1985, Barr confessed the aforementioned affidavit to have been perjurious, the document was destroyed and/or secreted by Referee DONALD DIAMOND, and he, "Judge Crater style", disappeared and could not be found by anyone, or so those on behalf of Administrator XAVIER C. RICCOBONO said, for a vital period of time!

Citibank, Barr's co-plaintiff, also submitted a judicially-filed affidavit to Mr. Justice THOMAS V SINCLAIR, JR., verified July 29, 1981, which falsely swore:

"Raffe claims that the plaintiffs and the third party defendants have entered into some unspecified agreement ... and pursuant to which the 'assets [of Puccini] have been dissipated for the benefit of plaintiffs'. Once again, no documentary evidence has been submitted in support of this groundless assertion. ... The unsupported and baseless charge that the Estate [of Milton Kaufman] has dissipated the assets of Puccini Clothes, Ltd. is totally false. The Estate has received no monies whatsoever from Puccini Clothes, Ltd."

ROBERT J. MILLER, Esq., of K&R, submitted an affidavit of July 2, 1981, which stated:

"... defendant (Raffe) may not argue that the automatic stay should be lifted, for discovery here is unnecessary and is simply a delaying tactic as the defendant, Hyman Raffe has absolutely no defense to this action."

e. Feltman, FK&M, and ANBL&K all knew that if Mr. Justice THOMAS V. SINCLAIR, JR., believed such perjurious affidavits to be true, it meant that Raffe would obtain judgment over against their clients, including Puccini, the judicial trust.

f. Feltman, FK&M, and ANBL&K did not reveal the perjurious nature of the K&R affidavits, as a result of which K&R recovered judgment against Raffe, and Raffe recovered judgment against the clients of ANBL&K in the sum of \$316,950.57 and Raffe recovered judgment over as against Puccini, "the judicial trust", "the judicial fortune cookie" in the sum of \$475,425.86.

g. At every juncture, FKM&F, have taken a position contrary to their judicial trust (see Matter of Bruce B., 111 A.D.2d 754, 490 N.Y.S.2d 246 [2d Dept.]), but since they have the ability to corrupt jurists by the boatload, to the extent that they can repeatedly incarcerate affirmant for non-summary criminal contempt, without benefit of a trial, for such perversion of justice they take and/or obtain enormous fees from the betrayed trust!

h. Never since the events following the abortive, July 20, 1944, plot on Hitler's life, have attorneys acted with such perfidious conduct. As described by Shirer (The Rise and Fall of the Third Reich, p. 1071):

"The court-appointed defense lawyers were more than ludicrous. Their cowardice, as one reads the transcript of the trial, is almost unbelievable. Witzleben's attorney, for example, a certain Dr. Weissmann, outdid the state prosecutor and almost equalled [Judge] Freisler, in denouncing his client as a 'murderer, as completely guilty and as deserving the worst punishment."

19a. The ukase from affirmant's mother and his children is to remain firm, remain honest, even if affirmant is unlawfully incarcerated one hundred (100) times, even if he is repeatedly driven into bankruptcy, and even if his right to practice law is taken from him!

b. It was "nuts" in December 1944; it was "nuts" to the [Surrogate] Signorelli plunderers in 1978; it is "nuts" now, in December 1986; and it will be "nuts" hereafter.

c. Affirmant will not surrender nor succumb to these "criminals with law degrees", to their "corrupt robed patrons" in the First or Second Department, or to their co-conspirators, no matter what the cost!

d. This Court, and in particular, Presiding Justice MILTON MOLLEN and Associate Justice ISAAC RUBIN, have sufficient knowledge of the happenings in this matter so that to say more would be supererogatory.

20. Demand is made that FKM&F and/or Straus produce the purported "accounting", produce the documents recited in the agreement of September 4, 1986 (CPLR 2214[c]), so that civilized man can "vomit"!

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

Dated: December 19, 1986

GEORGE SASSOWER