

1 SUPREME COURT OF THE STATE OF NEW YORK

1

2 COUNTY OF NEW YORK : CIVIL TERM : PART 50-Q

3 -----X

4 ELENA RUTH SASSOWER, : Index
5 Plaintiff, : No. 108551/99

6 - against - :

7 COMMISSION ON JUDICIAL CONDUCT, NY STATE :

8 Respondent. :

9 -----X

10 111 Centre Street
11 New York, New York 10013
12 June 14, 1999

13 B E F O R E:

14 HONORABLE RONALD A. ZWEIBEL,
15 Justice Supreme Court.

16 A P P E A R A N C E S:

17 For the Plaintiff:
18 ELENA RUTH SASSOWER,
19 Pro Se

20 For the Respondent:
21 ELIOT SPITZER, ESQ.
22 State of New York Office of Attorney General
23 BY: CAROLYN CAIRNS OLSON, ESQ.

24 ELLEN S. BRUNO
25 SENIOR COURT REPORTER

Ellen S. Bruno - S.C.R.

EX "O"

1
2 THE CLERK: Calling into the record, Index
3 Number 108551 of '99, the matter of Elena Ruth
4 Sassower versus the Commission on Judicial Conduct
5 of the State of New York.

6 Appearances, please.

7 MS. SASSOWER: Elena Ruth Sassower, pro se
8 petitioner.

9 MS. OLSON: Carolyn Cairns Olson, counsel of
10 Eliot Spitzer, Attorney General, for the respondent
11 Commission.

12 THE COURT: This was on for a conferencing.

13 MS. OLSON: Yes, your Honor, on May 25th, we
14 wrote to the Court requesting that this matter be
15 assigned a return date.

16 This matter was originally returnable in
17 room 130, on May 14th. At that time I applied to
18 the referee and obtained a two week adjournment to
19 put in opposing papers.

20 After I left the courthouse, Ms. Sassower
21 obtained an adjournment, or I should say, referee's
22 order, and the matter appeared before Judge
23 Lebedoff, who was originally assigned on May 17th.

24 Thereafter, or at that appearance, Judge
25 Lebedoff granted our application for an extension

1
2 of time and recused herself. The matter was
3 adjourned to another judge -- I'm sorry reassigned
4 to another judge after her recusal, and I
5 understand that judge also recused himself. The
6 matter is now assigned to your Honor.

7 We moved or we served our motion to dismiss
8 on May 24th, which is the date that Judge Lebedoff
9 granted to us. I did not include a return date,
10 because at the time I did not know your Honor's
11 motion schedules and I didn't know what days your
12 Honor wanted to have the thing returnable.

13 So I wrote and asked for a conference at
14 this time so we could schedule a return date for
15 our cross motion to dismiss the petition in this
16 combined article 78 judgment action.

17 THE COURT: Okay, Ms. Sassower.

18 MS. SASSOWER: Thank you.

19 As your Honor, I hope, is aware, I responded
20 to the letter of the attorney general, Assistant
21 Attorney General Olson. Her letter was dated May
22 25th. My letter was hand delivered to your
23 chambers on May 28th.

24 In that letter of mine, I outlined the fact
25 that I had no objection to Ms. Olson's request for

1
2 a conference. I joined in it. However, I brought
3 to your attention that Ms. Olson's presentation was
4 materially false and misleading, including the
5 culminating final paragraph where she in sum and
6 substance said:

7 Alternatively, your Honor can just dispense
8 with the conference and put together a scheduling
9 order for submission of papers and resolution of
10 the proceeding.

11 My letter pointed out to you that there were
12 profound threshold issues which Ms. Olson had not
13 disclosed in her letter. And my letter to you set
14 them forth.

15 Those issues included that the Attorney
16 General was not properly, lawfully representing the
17 Commission on Judicial Conduct and was suffering
18 from conflict of interest; that when the Attorney
19 General sought an adjournment improperly, it was in
20 fact already in default, pursuant to C.P.L.R.
21 7804-C, requiring it to have submitted opposition
22 papers, quote: "At least five days before the
23 return date", which was May 14th. It had not.

24 The referee -- I'm sorry the Senior Court
25 Attorney that granted an extension to Ms. Olson on

1
2 May 14th was without jurisdiction to do so by
3 reason of the C.P.L.R.

4 Additionally, that proceeding was not on the
5 record, because the Senior Court Attorney refused
6 my request that it be on the record and further had
7 failed to make any inquiry to Ms. Olson as to the
8 basis upon which the Attorney General should be
9 excused from default, even if he were with
10 jurisdiction to extend time, which I maintained he
11 was not.

12 Bottom line is that as recounted in my
13 letter, Ms. Olson fled with her ill gotten victory
14 from the Senior Court Attorney.

15 I went to the chief clerk of the court and
16 recounted what had taken place and he sua sponte
17 put the case on the calendar before Judge Lebedoff.

18 We proceeded before her on May 17th. She
19 disclosed that she had been counsel and was a good
20 friend of Daniel Joy, Appellate Division Second
21 Department, Justice Daniel Joy, who is a member on
22 the Commission of Judicial Conduct, indeed, its
23 most senior member.

24 And during the course of the proceeding
25 which she allowed to be on the record, she agreed

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2 that recusal was in order.

3 After recusing herself, she proceeded to
4 grant an extension to Ms. Olson, over my objection.

5 And additionally, as reflected by the
6 transcript, which I immediately ordered and a copy,
7 of which I appended to my letter to you, dated May
8 28th, I additionally flagged to Justice Lebedoff
9 the fact she had no jurisdiction, under the
10 C.P.L.R. to grant such relief; the Commission being
11 in default.

12 Ms. Olson, to you, represented in her
13 letter: "Justice Lebedoff had the authority to
14 grant the Commission's request for an extension in
15 the same proceeding in which she determined to
16 recuse herself", and wished you, on the basis of
17 that representation, to dispense with the
18 conference and set up a scheduling order.

19 In my letter to you, I stated: "For this
20 bald claim, Ms. Olson offers not the slightest
21 legal or ethical authority. This, notwithstanding
22 her client, the Commission on Judicial Conduct, is
23 charged with upholding standards of judicial ethics
24 and could have provided it to her, were such
25 authority to actually exist." I went on.

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2 "By copy of this letter to the Commission,
3 demand is hereby made that it quote: Back up,
4 unquote, its counsel's aforesaid claim, which I
5 believe to be as much a deceit on the Court as Ms.
6 Olson's attempt", and I go on: To mislead the
7 Court into believing that it can simply dispense
8 with a conference and get the show on the road with
9 a scheduling order.

10 Now, I not only hand delivered this letter
11 to your Honor's chambers and to the Attorney's
12 General Office, but also as reflected by the stamp
13 on your copy, hand delivered it to the Commission
14 on Judicial Conduct.

15 An issue in this litigation, threshold
16 issue, is the integrity of the judicial process and
17 whether the Attorney General, our highest legal
18 officer, is going to be held to fundamental,
19 rudimentary ethical standards of conduct.

20 This claim to you, this letter to you of Ms.
21 Olson's is just an illustrative example of bald
22 faced deceit on this Court that the Attorney
23 General is ready to perpetrate.

24 Additionally identified in my letter, aside
25 from the threshold issues of the legal authority

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2 for the Attorney General to represent the
3 Commission here and the identity of who in the
4 Attorney's General Office evaluated the public's
5 right to its intervention, that is the Attorney
6 General's intervention on the public's behalf, there
7 are other threshold issues identified in my letter.

8 Aside from that and the default issue,
9 respectfully, the issue, also threshold, in view of
10 the fact that there have been two judicial
11 disqualifications in this case, needless to say, it
12 is my expectation, and I trust that conscious of
13 your ethical duties, there will be some discussion
14 here, some disclosure of facts, which I submit,
15 present an appearance, certainly, and perhaps an
16 actuality, that this Court could not be fair and
17 impartial. And indeed, that this Court has an
18 interest in the proceeding as prescribed by
19 Judiciary Law 14, which is a mandatory, which would
20 make this disqualification of this Court
21 regrettably mandated.

22 I thank the Court, I do want to just thank
23 the Court for its consideration, not only now in
24 giving me this opportunity to make this
25 presentation at fair length, but the courtesy which

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2 I think is consistent with this Court's recognition
3 of proper standards that you extended this morning,
4 when you had your law secretary called me and
5 informed me that there would be some delay, so that
6 I could guide myself accordingly as to the time of
7 this conference.

8 And indeed, the standards of civility say,
9 that judges should be punctual, and if delayed,
10 they should notify counsel as soon as possible. It
11 did not escape me that your Honor saw fit to
12 respect that.

13 I don't know whether you would like me to
14 make a presentation on the particular issues that I
15 think may present for you, at the outset, a
16 disqualification.

17 THE COURT: If it could be done briefly.

18 MS. SASSOWER: Yes.

19 THE COURT: You're asking this Court to
20 recuse itself also?

21 MS. SASSOWER: Regrettably.

22 THE COURT: I will hear you as to why I
23 should recuse myself.

24 MS. SASSOWER: As reflected in the record
25 before Justice Lebedoff, when she recused herself

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2 and indicated that this case would be tossed back
3 for re-assignment, I stated that there was a
4 problem with any assignment, needless to say,
5 because all the judges here are under the
6 disciplinary jurisdiction of the Commission on
7 Judicial Conduct, and therefore, have an inherent
8 conflict in a case involving it.

9 But I would like to move to something that
10 is even more substantial, because although it could
11 be argued, well, if everyone was disqualified for
12 that reason, who would there be? And that invokes
13 the rule of necessity, okay.

14 I would like to focus on some more immediate
15 issues. I have had the misfortune to learn that
16 your Honor is a Court of Claims judge.

17 THE COURT: That's a misfortune?

18 MS. SASSOWER: That's not the misfortune.
19 That's not the unfortunate part. The unfortunate
20 part is that your term, I understand, expires in
21 two years.

22 THE COURT: That's correct.

23 MS. SASSOWER: Unless you, your Honor, is
24 intending to retire and move down to Florida.

25 THE COURT: I have no intention of that.

1
2 MS. SASSOWER: Then it is presumed that you
3 would be seeking reappointment. Reappointment for
4 a Court of Claims judge is through the governor.

5 I can guarantee you, that you would not get
6 a reappointment were you to have passing respect
7 for the facts and the law in this case, because the
8 facts and the law in this case would require you to
9 expose not just the corruption of the Commission on
10 Judicial Conduct, but the complicity and actual
11 knowledge of Governor George Potaki, not only with
12 the fact that the Commission is corrupt, known to
13 him over many years, but specifically in connection
14 with his appointment of Albert Rosenblatt to the
15 Court of Appeals, with knowledge that Albert
16 Rosenblatt was the subject of a judicial misconduct
17 complaint pending before the Commission.

18 THE COURT: Was that brought by you?

19 MS. SASSOWER: Hmm-hmm.

20 The issue in this case, your Honor, is
21 what -- the immediate issue, the transcending issue
22 is a complaint filed by me on October 6, 1998,
23 concerning, among others, the candidacy of Albert
24 Rosenblatt to the Court of Appeals.

25 Among other things, it alleged a belief, for

1
2 reasons particularized, that Albert Rosenblatt had
3 perjured himself in his -- in response to two
4 questions on his questionnaire to the Commission on
5 Judicial Conduct.

6 THE COURT: I'm not really getting into that
7 issue.

8 MS. SASSOWER: The result is the issue in
9 the case, unfortunately, and an adjudication of
10 what took place --

11 THE COURT: I want to hear something further
12 as to why you think I should recuse myself. I'm
13 not interested in that matter concerning Justice
14 Rosenblatt.

15 MS. SASSOWER: Unfortunately, that matter is
16 at the heart of the case and exposing what the
17 Commission did in connection with that complaint
18 would expose the government's -- I'm sorry, the
19 Governor's fraudulent nomination of Albert
20 Rosenblatt, which was then rammed through the
21 Senate Judiciary Committee, fraudulently, by the
22 chairman.

23 You, as a Court of Claims judge, seeking
24 reappointment in two years, would have to be
25 reappointed by the Governor, who was directly

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2 implicated herein, in criminal conduct, him as well
3 as the chairman of the Senate Judiciary Committee
4 as well as a whole host of government officials and
5 agencies and bar leaders whose support you would
6 need and require if you were not intending to move
7 down to Florida and you indicated you were not.

8 Secondly, you sit, I understand in the
9 criminal part.

10 THE COURT: I also have a civil calendar.
11 That's why you're before me.

12 MS. SASSOWER: I understand you have a
13 largely criminal load.

14 And as I understand it, the administrative
15 judge of the criminal division is Juanita Bing
16 Newton, also a Court of Claims judge, who, her
17 exact title is, I believe, administrative judge,
18 First Judicial District Supreme Court, Criminal
19 Branch, so I would think that she's your boss. Not
20 only is she --

21 THE COURT: She is not my boss. She is the
22 administrative judge of the criminal term.

23 MS. SASSOWER: You might require -- you
24 might, you might find it necessary in your day to
25 day operations to remain in her good graces.

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2 In any event, she is not only a member of
3 the Commission, but she is one of the members who
4 we have directly challenged. We opposed her
5 confirmation to the Court of Claims, her
6 reconsideration to the -- her reappointment to the
7 Court of Claims, based upon her participation in
8 the corruption of the Commission on Judicial
9 Conduct.

10 In short, ~~in view of the fact that most~~
11 ~~pressingly and oppressively~~, in view of the fact
12 that you do intend to seek reappointment, I would
13 urge you to examine the papers in this case,
14 because I would respectfully submit perhaps you are
15 unfamiliar with the pleading.

16 Were you familiar with the pleading, you
17 would know the role where Albert Rosenblatt fits in
18 this and the Governor fits in this and the Senate
19 Judiciary Committee fits in this, and I believe you
20 would immediately recognize you can't decide this
21 case without exploding your future. You can
22 explode it for the good. You can up hold the
23 public's right. You can make a name for yourself.
24 Unfortunately, making a name for yourself --

25 THE COURT: This sounds like a threat, like

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2 if I don't do what you want, my future is at risk.
3 I'm not concerned about doing the right thing with
4 regard to what either side wishes in this case.

5 MS. SASSOWER: I am not threatening. I'm
6 enlightening you to the fact that there is --

7 THE COURT: I think it is a veiled threat,
8 because of action that you took against others. I
9 don't take that lightly.

10 MS. SASSOWER: With all respect, we seek to
11 uphold the judicial process and we applaud judges
12 who do that.

13 So, I would be most happy if you felt that
14 the appearance and the actuality was such that
15 recusal is not required, that you demonstrated that
16 by your conduct.

17 THE COURT: It appears that nobody agrees
18 with your various positions over the years to date;
19 is that correct?

20 MS. SASSOWER: I'm not sure what you're
21 referring to.

22 THE COURT: I'm referring to various other
23 proceedings that were brought against various other
24 individuals.

25 MS. SASSOWER: Well, your Honor...

1
2 THE COURT: I'm not getting into details of
3 all of the other cases.

4 MS. SASSOWER: What took place in prior
5 proceedings can be readily verifiable^{ed} from the
6 record, such as described in a public interest ad,
7 which I wrote and paid for, which is part of this
8 proceeding, called: "Restraining['] Liars in the
9 Courtroom^{, and} on Public Payroll."

10 It discusses^{that} in three public interest cases
11 involving judicial self-interest, all standards of
12 conduct went out the window, because the Attorney
13 General practices an M.O., a modus operandi of
14 litigation, misconduct and fraud, making fraudulent
15 dismissal motions, which the Court grants without
16 addressing any threshold issues.

17 THE COURT: Let's get to the other issue,
18 why you believe that Judge Lebedoff did not have
19 the right to grant additional time to the
20 respondent in this case at the time that she
21 recused herself.

22 MS. SASSOWER: With all respect, I would
23 respectfully request, since it would appear that
24 you are, without examination of the pleading, ~~to~~
25 make^{ing} a determination that you are not disqualified,

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2 either for the appearance or the actuality of bias;
3 am I correct?

4 THE COURT: I'm not making any decision.

5 MS. SASSOWER: Oh, okay. I will be happy to
6 move to the next point, however, I respectfully, I
7 will be happy to address that issue for your Honor.

8 I respectfully submit that we go
9 sequentially, having disposed of the
10 disqualification of your Honor, the next issue
11 would be the disqualification of the Attorney
12 General from representing the Commission on
13 Judicial Conduct.

14 THE COURT: Let me just ask the Attorney
15 General, have you submitted all papers in this
16 case?

17 MS. OLSON: Yes, we moved to dismiss. In a
18 footnote, in one of our briefs, we addressed the
19 argument anticipated that she was going to seek
20 disqualification. I have yet to see a motion for
21 disqualification.

22 THE COURT: Does the petitioner intend to
23 submit additional papers in this case?

24 MS. SASSOWER: I seemed to have misplaced my
25 notes. May I have one moment. I will do that

1
2 orally, now.

3 Without my notes, I will proceed. Could I
4 have a moment? I'm sorry.

5 Oh, yes, your Honor, I'm prepared. Thank
6 you very much for your indulgence.

7 All right, as set forth in my letter to your
8 Honor of May 28th, it is my contention that the
9 Commission's appearance on behalf -- the Attorney's
10 General appearance on behalf of the Commission is
11 unlawful and tainted by conflict of interest.
12 First as to the law --

13 MS. OLSON: Excuse me, is your Honor going
14 to entertain an oral application for
15 disqualification?

16 THE COURT: No. Aren't you putting this in
17 writing?

18 MS. SASSOWER: I thought that I would be
19 able to make a presentation orally on this issue,
20 as much as I have on the issue --

21 THE COURT: No, I want everything in
22 writing.

23 MS. SASSOWER: All right, I would be happy
24 to supply it in writing.

25 May I make a cursory observation as to the

1
2 law?

3 THE COURT: If it is very cursory. I have a
4 jury outside.

5 MS. SASSOWER: The standard of the
6 Attorney's General representation is the interest
7 of the State. That is something that has to be
8 determined.

9 I have been unable to obtain any information
10 from Ms. Olson or the Attorney's General Office as
11 to who is determining the State's interest herein.

12 Indeed, you will note that the Commission
13 here -- I'm sorry, the Attorney General has been
14 served notice of right to seek intervention on
15 behalf of the public. That intervention has been
16 sought repeatedly.

17 I would point out, in connection with Ms.
18 Olson's reference to her dismissal motion, she
19 claims in a footnote that the contention that the
20 Attorney's General should be disqualified and
21 should not be representing the Commission is
22 frivolous.

23 She cites for that proposition the case of
24 Sassower against Signorelli.

25 I obtained a copy of that decision in which

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2 the Appellants, pro se, were my parents, and the
3 issue that they raised therein was that the
4 Attorney General should be disqualified from
5 representing Ernest Signorelli, the Surrogate of
6 Suffolk County. It was disposed of by the court in
7 that case.

8 That's the only case they cite for the
9 proposition that the Attorney General is, by
10 statute, authorized to represent the defendant
11 Commission herein.

12 That single case says, quote: "The Attorney
13 General, by statute, is required to represent -- is
14 required to represent." But that is a
15 misrepresentation of Executive Law 63.1, which I
16 urge you to read for yourself.

17 The last thing. I have done everything I
18 could not to burden this Court with this
19 proceeding.

20 Even when it was commenced, I repeatedly
21 stated to the Attorney General that I would
22 withdraw it, if the Commission had a legitimate
23 defense, because my argument to the Attorney's
24 General Office was that there is no legitimate
25 defense to this proceeding, and therefore, the duty

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2 of the Attorney General, the State's interest is
3 being championed by me, and the Attorney General
4 should be coming in on behalf of the public, not
5 representing the Commission.

6 I said I would withdraw the proceeding. I
7 also stated, so that there is no question about my
8 offer, because the rules of civility also say --

9 THE COURT: They are not interested in your
10 offer, and I'll await your motion in this regard.

11 MS. SASSOWER: I would like to alert the
12 Court to the fact they put in a dismissal motion,
13 and this, your Honor --

14 THE COURT: When do you want to file a
15 motion to disqualify the A.G.?

16 MS. SASSOWER: Okay, they, of course, on
17 their Web Site, indicated they have five hundred
18 lawyers and a support staff of 1800. I'm appearing
19 pro se. Would a month be reasonable?

20 THE COURT: Fine.

21 MS. OLSON: Your Honor, I would like that
22 motion heard together with point one of our brief,
23 given on the question of her capacity to sue on
24 behalf of the Center for Judicial Accountability.

25 MS. SASSOWER: That this case, as Ms. Olson

1
2 knows, from her point one, is being brought by me
3 in an individual capacity. I am not suing as
4 coordinator. I do not state anywhere in the
5 caption or in the paragraphs --

6 THE COURT: I'm going to direct that that be
7 addressed at the same time.

8 MS. SASSOWER: I would point out, however,
9 that much as I said in advance of their submission
10 of the dismissal, that they have no legitimate
11 defense, they have proven it now, ~~that~~ I have in
12 this interim period been examining their dismissal
13 motion, it is, from beginning to end, filled with
14 falsification, concealment, omission,
15 misrepresentation, distortion. Their entire motion
16 is based upon their manipulation of the facts in a
17 manner in which I described.

18 THE COURT: Last thing I want to know from
19 you is what category of judge do you think would be
20 appropriate to resolve your matter, since Court of
21 Claims judges are up for reappointment?

22 MS. SASSOWER: Well, you are up in two
23 years.

24 THE COURT: Supreme Court judges are
25 elected.

1
2 MS. SASSOWER: You're up in two years.

3 THE COURT: If I was up in nine years, it
4 would make a difference?

5 MS. SASSOWER: Governor Potaki would not be
6 in office. He will be in office in two years,
7 okay.

8 THE COURT: He may be vice-president.

9 MS. SASSOWER: I would say, in answer to
10 your question, that for appearance sake, it is a
11 judge who is not subject to reappointment in the
12 near future, under this governor. And likewise,
13 not up for election in the immediate future,
14 because we know that elections are controlled by
15 political interests. That's the reality in this
16 State.

17 THE COURT: You'll have one month to file
18 your motion to disqualify the A.G.

19 MS. OLSON: What about our motion to
20 dismiss, will there be a return date on that as
21 well?

22 THE COURT: Same date.

23 MS. OLSON: In addition to her moving to
24 disqualify, she will be responding to our motion to
25 dismiss?

1
2 THE COURT: Correct.

3 MS. SASSOWER: May I ask for an additional
4 two weeks, so that I can have a fuller
5 presentation, under those circumstances.

6 THE COURT: What date are we talking about,
7 July 28th?

8 MS. SASSOWER: Thank you, your Honor.

9 MS. OLSON: Will -- July 28th will be the
10 date she serves our office with opposing papers?

11 THE COURT: She asked for six weeks.

12 MS. OLSON: Will there be a return date of
13 the motion, two weeks later?

14 THE COURT: Trouble is I won't be here two
15 weeks later.

16 MS. SASSOWER: Now, may I, at the same time,
17 in my motion, address my contention that under
18 C.P.L.R. 7804, the Court could only direct -- could
19 either take a default or direct her to answer and
20 put points of law in the answer, rather than a
21 dismissal motion, which is what they did.

22 I contended before Justice Lebedoff and
23 throughout that there is no jurisdiction. Once
24 they were in the default, there was no jurisdiction
25 to do anything, but at best, direct them to answer

1
2 and include their points of law as part thereof.

3 MS. OLSON: That was raised and rejected by
4 Judge Lebedoff.

5 MS. SASSOWER: She recused herself. That's
6 untrue. The transcript is annexed to the letter.

7 THE COURT: Everything is to be included.

8 MS. SASSOWER: Yes, your Honor. Six weeks
9 from today. The 28th, but you want two --

10 MS. OLSON: I would like to insert a return
11 date on the motion to submit, so I can file the
12 original.

13 Would your Honor want to hear argument at
14 two o'clock on a return date in August, so that we
15 know her papers will be served on the 28th and a
16 return date.

17 THE COURT: So on the 28th, you want the
18 argument on the 28th?

19 MS. OLSON: I would like to see the papers.

20 MS. SASSOWER: I would not object to
21 additional time if your Honor is going on vacation,
22 so I can have everything in order. I am pro se.

23 THE COURT: The problem with the first day
24 back, I'm not sure what the calendar day will be.

25 I would suggest we put it on perhaps the

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2 18th of August. Both sides check with my court
3 attorney the day before, to make sure I don't have
4 a calendar on that day.

5 At this point I don't even know what date I
6 will have a calendar. It will not be in this part.
7 I will be covering a part across the street.

8 MS. SASSOWER: July 28th would be for
9 purposes of my motions, omnibus motions?

10 THE COURT: Correct.

11 MS. SASSOWER: And we will appear before
12 you.

13 THE COURT: On August 18th.

14 MS. SASSOWER: I would just again like to
15 make sure that the Court is aware that I have
16 already done over 40 pages addressed to their
17 factual falsification in their dismissal motions,
18 the law isn't applicable, their four points are
19 entirely predicated on their falsification of the
20 pleading, entirely.

21 THE COURT: August 18th is the date.

22 MS. SASSOWER: Including their points of
23 law.

24 Thank you, your Honor.

25 THE COURT: You're welcome.

1
2 MS. OLSON: Can I hand up the original?

3 THE COURT: Yes, give it to my court
4 attorney.

5 I just found out that that Wednesday is not
6 a good date. It is a calendar day. Perhaps the
7 day after, a Thursday, or the day before, which
8 would be the 17th or the 19th.

9 MS. OLSON: Either.

10 MS. SASSOWER: The 17th.

11 THE COURT: August 17th, at two o'clock,
12 August 17th, at two o'clock.

13 MS. OLSON: Your Honor will be in 100 Centre
14 Street?

15 MS. SASSOWER: Just for clarification, my
16 motion is served on them on July 28th, the date for
17 opposing papers, it is filed with the Court after?

18 THE COURT: It is filed with the Court after
19 you served them.

20 MS. SASSOWER: I intend to seek sanctions,
21 so it is not just reply papers, but opposition
22 papers.

23 What date do they have to respond by and do
24 I get a reply?

25 THE COURT: We're putting it on for that

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2 date, for the 18th -- the 17th.

3 MS. SASSOWER: They have to have their
4 papers on the 17th in court. I don't get them in
5 advance?

6 Will I have an opportunity -- I'm seeking
7 sanctions, severe sanctions, criminal sanctions.

8 THE COURT: Why don't you submit it by the
9 13th then.

10 MS. SASSOWER: And I will have until the
11 17th?

12 THE COURT: Correct.

13 MS. SASSOWER: Thank you, your Honor.

14 (Whereupon, the case was adjourned until
15 Tuesday, August 17, 1999.)

16 * * * *

17 I, Ellen S. Bruno, Senior Court Reporter,
18 hereby certify the foregoing to be a true and
19 accurate transcript to the best of my skill and
20 ability.

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23 ELLEN S. BRUNO
24 SENIOR COURT REPORTER
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