

GEORGE SASSOWER

16 LAKE STREET
WHITE PLAINS, N. Y. 10603

914-949-2169

January 24, 1994

Grievance Committee, Kings County
Municipal Building,
210 Jorelemon Street,
Brooklyn, NY 11201

Certified Mail
P 269 529 243

Re: Robert H. Straus, Esq.
Municipal Building
210 Joralemon Street,
Brooklyn, NY 11201

Gentlemen:

I herewith submit this disciplinary complaint against ROBERT H. STRAUS, Esq. ["Straus"], with the relevant observation that my prior complaint against him, to the Grievance Committee, dated March 31, 1986, and thereafter directly to Hon. William H. Booth, its Chairman, of January 30, 1987, were never acknowledged, nor ever processed.

This complaint, at this point in time and place, intentionally omits confidential information and/or information which may reveal confidential sources.

1. The factual material set forth herein, is intended to serve as the basis of this disciplinary complaint about Mr. Straus, [hereinafter the "accused"].

a. The accused is essentially and effectively an "at-will" employee of the Appellate Division, Second Department, and/or its Presiding Justice, not the Grievance Committee, and serves at the pleasure of the Appellate Division and/or its Presiding Justice.

b. The accused has a substantial monetary interest in his continued employment, as the purported Chief Counsel for the Grievance Committee, and recognizes that such "at-will" tenure is essentially dependent upon the pleasure of the Appellate Division and/or its Presiding Justice, not the Grievance Committee.

c(1) The accused recognizes, and/or should recognize, that his public title as "Chief Counsel for the Grievance Committee", is false and/or deceptive, and he has never attempted to correct such public deception, even to those who he accuses.

(2) The first time that I, or anyone else I know, recognized that those representing the "Grievance Committee" are, in fact, "at-will" employees of the Appellate Division and/or its Presiding Justice, was when MICHAEL A. GENTILE, Esq. ["Gentile"] was discharged by Presiding Justice FRANCIS T. MURPHY ["Murphy"], which was subsequent to the disciplinary proceedings against me.

d. Additionally, before commencing a disciplinary proceeding against me, as hereinafter shown, he knew he was a money damage defendant in an action that I commenced, and remains such money damage defendant in such undisposed case.

e. By reason of the aforementioned, as the accused was or should have been aware, he was, at all times, disqualified from acting as a disciplinary prosecutor against me (Withrow v. Larkin, 421 U.S. 35 [1935]), and such proceedings are void.

2a. In 1984, the accused was communicated, ex parte, by and/or behalf of members of the judiciary, not necessarily from the Second Department, and directed and/or requested to cooperate with FELTMAN, KARESH & MAJOR, Esqs. ["FK&F"], thereafter FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], in instituting disciplinary proceedings against me, although there was no formal complaint before the Grievance Committee at the time.

b. In and about September of 1984, the accused gave "instructions" as the procedures that FKM&F should employ for the purpose of instituting disciplinary procedures against me.

c. In September of 1984, the accused knew and/or became aware that DONALD F. SCHNEIDER, Esq. ["Schneider"], a partner in FKM&F, was publicly representing that it was the "Grievance Committee" that the Court, and particular, Mme. Justice ETHEL B. DANZIG ["Danzig"] to employ certain procedures when I was present.

d. At the time, Mme. Justice Danzig had no objection, and indeed consented, to my activities, as Her Honor knew them to be.

e. The accused knew that Schneider had no authority to speak on behalf of the "Grievance Committee", had no authority to violated the confidentiality provisions of Judiciary Law §90[10], while transmitting requests on behalf of the "Grievance Committee", and his public representations were made with the consent of the accused, and/or were ratified by the accused thereafter.

f. The accused knew that FKM&F were concealing his personal transactional involvement in the matter, nor did the accused chose to disclose his personal involvement at that, or any other, time during such period in 1984.

g. The accused knew that I issued a summons, whose title was as follows:

"SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
GEORGE SASSOWER,

Plaintiff,

-against-

DONALD F. SCHNEIDER and FELTMAN, KARESH &
MAJOR and "JOHN DOE", person intended to be
one purportedly gave defendants
'instructions'

Defendants.
-----x

Index No.
25452-1984

h. The accused knew that he was the "JOHN DOE" described in such summons.

i. The accused knew that the object of the aforementioned action was "money damages" against all the defendants, including "JOHN DOE".

j. The accused knew that on or about October 19th, 1984, I moved the Court for the disclosure of the true identity of "JOHN DOE".

k. The accused knew that such motion, as well as the action, had been assigned to Mr. Justice MARTIN EVANS ["Evans"].

l. The accused was also aware, at the time, or shortly thereafter, that a proceeding to hold HYMAN RAFFE ["Raffe"] and me in non-summary criminal contempt, which had been brought by FKM&F, along with KREINDLER & RELKIN, P.C. ["K&R"]-- hereinafter "the criminals with law degrees" -- had been pending, sub judice, before Mr. Justice Evans, under a massive submission made by them, since before 1984.

m. The accused also was aware that a failure of Mr. Justice Evans to find me guilty of those criminal charges, which included the complaints made by Schneider be a death-knell to any disciplinary proceeding against me.

n. The accused also knew that on December 7, 1984, FKM&F, K&R and NACHAMIE, KIRSCHNER, LEVINE, SPIZZ & GOLDBERG, P.C. ["NKLS&G"], had ex parte secured from Mr. Justice THOMAS J. HUGHES ["Hughes"] an Order to Show Cause, with a Temporary Restraining Order, which requested, inter alia:

"permanently enjoining and staying prosecution of the actions entitled ... "George Sassower v. Donald F. Schneider, Feltman, Karesh & Major, et al."

o. Also stayed were actions against Administrative Judge XAVIER C. RICCOBONO ["Riccobono"] for his part in the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], and other tortious and criminal activities.

p. The accused knew that neither Mr. Justice Hughes, nor any other coordinate jurist, except under circumstances not here relevant, had the authority and/or jurisdiction to enjoin and/or stay an action that was before Mr. Justice Evans, particularly without notice.

q. On December 14, 1984, promptly after receipt from the accused of a Schneider of FKM&F complaint, I responded, in part, as follows:

"Mr. Schneider, assuming the role of an apostle for your committee, has openly advised members of the judiciary that someone in your organization has 'instructed' him to advise its various members to have a court stenographer present, as proof of my presence and/or participation.

Mr. Schneider does not merely request the presence of a court stenographer, which is his entitlement, but publicly announces that 'the Grievance Committee has requested that he make the request' on its behalf! ...

When Mr. Schneider refused to divulge the identity of the person in your committee who purportedly gave him such 'instructions', I moved the Court for such relief, which is presently, sub judice."

r. On December 19, 1984, the return date of the Order to Show Cause, Mr. Justice IRA GAMMERMAN ["Gammerman"] in a crystal clear opinion, as confirmed by the transcript, held as follows (SM7-8):

"THE COURT: I'm going to stay all the actions against the lawfirms. That's my intention. I'll listen to Mr. Sassower, but after reading all the papers, it was my intention to stay actions against the lawfirms, let litigation proceed against the non-lawfirm defendants, if there is any basis for the lawfirm actions, an application may be made by Mr. Sassower to vacate the stay ..." [emphasis supplied]

s. The aforementioned decision was never modified on that or any other day.

t. The accused and Schneider knew that the decision of December 19, 1984, as aforesated, left them actively vulnerable in my money damage lawsuit against them, which was still before Mr. Justice Evans.

u. The accused also knew that, thereafter, on or about January 4, 1985, an Order of Mr. Justice Evans was entered that failed to find either Raffe or me in non-summary criminal contempt, which the accused knew triggered constitutional double jeopardy prohibitions.

v. The accused also knew of the Order of Mme. Justice Danzig of January 7, 1985, which permitted me to defend Raffe in Barr v. Raffe (Sup. NY Index No. 16792-1980 [hereinafter "Barr #2]).

3. By the end of January 1985, if not before, the accused knew, or should have known, that the uncontroverted documentary facts, and black-letter law, were as follows:

a. Puccini was involuntarily dissolved on June 4, 1980, at the instance and request of K&R, its associate JEROME H. BARR ["Barr"] and CITIBANK, N.A. ["Citibank"], its assets becoming custodia legis, held under "color of law".

b. The K&R prepared Order of June 4, 1980, contained the following provision:

"ORDERED, that the corporation, its officers, directors, shareholders, agents and employees are enjoined and restrained from transferring or disposing any property of the corporation, except with the approval of the receiver."

c. K&R and Citibank engineered the larceny of all of Puccini's judicial trust assets, which included the following.

(1) At least seventeen (17) checks from Puccini's bank assets were made payable to K&R, Barr, Citibank and/or the Kaufman Estate, to wit., June 5, 1980; June 25, 1980 [2 checks]; July 11, 1980; July 15, 1980; July 25, 1980; August 1, 1980; August 22, 1980; August 29, 1980; September 5, 1980; September 30, 1980; October 10, 1980; October 17, 1980; October 27, 1980; November 19, 1980; December 1, 1980; and December 17, 1980.

(2) RASHBA & POKART ["R&P"], Certified Public Accountants, were retained by K&R, Barr and/or Citibank, prior to 1981, and were billed \$6,200 for their services. Payment of such K&R, Barr and/or Citibank indebtedness of \$6,200 was satisfied by a \$10,000 withdrawal by ARUTT, NACHAMIE, BENJAMIN, LIPKIN & KIRSCHNER, P.C. ["ANBL&K"] from Puccini's judicial trust assets, without the approval of the court or any court-appointed receiver, falsely debiting such withdrawal as "legal fees"; ANBL&K then deposited such monies in its own account, issued a check for \$6,200 to R&P in satisfaction of the indebtedness due by K&R et. al., and ANBL&K kept \$3,800 of such sum as a "laundering fee".

(3) The balance of the withdrawals of Puccini's bank-deposited judicial trust assets were made, with the consent of K&R, to bribe and corrupt.

(4) Included in the aforementioned balance transferred to bribe and corrupt, was the withdrawal of almost \$700,000.00, both before and after January 1985, payable to FKM&F, the law firm of LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, in order to conceal such larceny and make no attempt at recovery on behalf of Puccini, the helpless judicial trust.

(5) For doing nothing, absolutely nothing, to benefit Puccini, FKM&F took from it, 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 it!

(6) The only sum received by Puccini for the disposition of its large inventory was \$512 gross, which sum, along with the balance received for such inventory, was also converted and employed to bribe and corrupt.

(7) All other Puccini assets were also employed to bribe and corrupt.

d. In support of a 1981 motion for summary judgment in favor of Barr and Citibank against Raffé in Barr #2, based on stockholders' cross-guarantees, the following, inter alia, was submitted by K&R:

(1) A Barr affidavit, dated July 21, 1981, which included the following statement:

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

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

(2) An affidavit of CHARLES ZANGARA ["Zangara"], a Vice-President with Citibank, submitted an affidavit which stated:

"... Raffé claims that the plaintiffs and the third-party defendants have entered into some unspecified agreement, ... pursuant to which the 'assets [of Puccini] have been dissipated for the benefit of plaintiffs'. Once again, no documentary evidence is offered in support of this groundless assertion. ...

The unsupported and baseless charge that the Estate has dissipated the assets of Puccini Clothes, Ltd. is totally false. The Estate has received no monies whatsoever from Puccini Clothes, Ltd."

(3) The K&R affidavit on such motion, read as follows:

"... defendant may not argue that the automatic stay (CPLR 3214[b])¹ should be lifted, for discovery here is unnecessary and is simply a delaying tactic as the defendant Hyman Raffé has absolutely no defense to this action."

e. ANBL&K actually knew that the aforementioned statements Barr, Citibank, and K&R were perjurious.

¹ A motion for summary judgment, automatically stays pre-trial discovery, until such motion is determined, unless the Court otherwise affirmatively states otherwise.

f. ANBL&K also knew that if the Court believed such perjurious statements on the K&R motion for summary judgment, that Raffe would recover over as against Puccini a judgment in like amount, and as against Dann and Sorrentino, a judgment for two-thirds the amount.

g. As part of such K&R motion for summary judgment, I, on Raffe's behalf, strongly opposed, and such opposition also served the legitimate interests of the clients of ANBL&K, and thus the denial of Raffe's cross-motion for a judgment over as against Puccini, Dann and Sorrentino.

h. K&R knew beforehand, that although contrary to the interests of its clients, ANBL&K would not expose the perjurious nature of the Barr, Citibank, and K&R affidavits on their motion for summary judgment in Barr #2.

i. Raffe, in papers prepared by me, in opposition to the motion for summary judgment, alleged that Puccini's assets had been made the subject of larceny, prejudicing Raffe's right of subrogation and indemnification.

j. ANBL&K, instead of supporting Raffe, as it was legally and ethically compelled in order to serve the legitimate interests of his clients, instead moved for my disqualification in Barr v. Raffe (Supreme Court, NY Co. 21208-1979 [hereinafter Barr #1]).

k. In opposition to the ANBL&K cross-motion to disqualify in Barr #1, I made the decisive point that Barr #1, on September 3, 1980, had been litigated to judgment, which judgment had been affirmed on appeal, and at that point in time, no viable issues remained to be litigated.

l. Upon receipt of receipt of my opposing papers on the cross-motion for my disqualification, ANBL&K and K&R, "switched" and "substituted" two pages on the ANBL&K cross-motion, including the title pages, so that the cross-motion to disqualify read Barr #2, instead of Barr #1.

m. Thus, without my knowledge, the motion papers submitted to the Court for determination, were radically different than those served on me and on which my response was based.

n. The substitution of these two pages, had the effect of rendering my opposing papers incomprehensible, absurd and transmogrified my opposing papers from "sense" to "nonsense".

o. The purported disqualification order, rendered months thereafter, based on such "switched" papers, encompassed only a hypothetical situation wherein I would act contrary to my own interests, the legitimate interests of Raffe and Puccini, a situation which never occurred, and which could not reasonably have ever occurred.

p. However, such disqualification order, caused the K&R-Citibank motion for summary judgment to be denied, without prejudice to renewal.

q. On or about February 1, 1982, Feltman was appointed a court-appointed successive receiver for Puccini.

r. Only after Feltman and FKM&F agreed to become co-conspirators, did K&R renew its motion for summary judgment, and as part of its submission, submitted copies of the July 1981, perjurious affidavits of Barr, Citibank and K&R.

s. Raffe, in addition to opposing the K&R motion, once again cross-moved over against Puccini, Dann and Sorrentino, as was the procedure followed in 1981.

t. From an intervening and related decision by Mr. Justice MARTIN B. STECHER ["Stecher"], ANBL&K, Feltman and FKM&F actually knew, as a matter of legal certainty, that recovery by Barr and Citibank against Raffe, would result in a full recovery over against Puccini and a two-thirds recovery against Dann and Sorrentino.

u. K&R in making such renewal motion, knew as a fact that neither Feltman nor FKM&F, who had the Puccini books in their possession, would not expose the perjury, although the failure to do so would result in a full judgment over by Raffe against Puccini, the judicial trust, for which Feltman was the fiduciary, and FKM&F were acting as his attorney.

v. K&R in making such renewal motion, also knew as a fact that ANBL&K would once again betray the legitimate interests of its clients, Dann and Sorrentino, and permit a judgment for two-thirds the amount to be entered against them.

w. Without permitting pre-trial disclosure, relying on the aforementioned K&R, Citibank, and Barr perjurious statements, and the FKM&F-ANBL&K silence on the subject, judgment for \$475,425.86 was granted against Raffe, while Raffe was granted a judgment over against Puccini for \$475,425.86 and against Dann and Sorrentino for \$316,950.57.

x. In granting summary judgment to Barr and Citibank, Mr. Justice THOMAS V. SINCLAIR, JR. ["Sinclair"] stated:

"Defendant's papers herein, other than the vague allusion to a 'secret agreement' between Dann, Sorrentino, and Puccini Clothes, Ltd., contain nothing to substantiate its claim of wrongdoing on the part of plaintiffs."

4a. It was obvious to me, as it should have been to anyone, that my activities, although on behalf of my client, Raffaele, also inured to the legitimate interests of Puccini, Dann & Sorrentino.

b. Thus, the actions of Feltman, FKM&F and ANBL&K, including the criminal contempt proceedings brought by them, acting in consort with K&R, could only mean that Feltman, FKM&F and ANBL&K were acting contrary to the legitimate interests of the judicial trust, and their clients.

c. However, the accused whose initial appearance and involvement was in September of 1984, did not have to rely on the aforementioned compelling logic, since the initial "hard evidence" of the Puccini larceny surfaced on November 7, 1983, and by September of 1984, the evidence of the larceny of Puccini's trust assets, perjury, betrayal of client and trust, had reached avalanche proportions.

4a. Thus the accused, Chief Counsel for the Grievance Committee, wilfully abandoned his legal and ethical obligations (Code of Professional Responsibility, DR 1-103), and began to aid and abet the K&R-FKM&F entourage, in their criminal racketeering adventure against me, who was giving his legal and ethical obligations exacting obedience.

b. The accused knew at the time of his initial intrusion into the Puccini matter, on behalf of "the criminals with law degrees" that ex-parte monetary arrangement had been made with, inter alia, Administrative Riccobono for his assistance in this criminal racketeering adventure.

5a. Thus, as matters stood on January 22, 1985, this criminal racketeering adventure was at an end, notwithstanding the limited Gammerman injunction.

b. However, as the accused was at the time, or shortly thereafter, aware an Order was submitted by "the criminals with law degrees" to Judge Gammerman which differed radically from his decision of December 19, 1984.

c. Such Order was prepared after ex parte "fixing" conversations were held by and between Judge Gammerman and Administrator Riccobono, who was acting on his own personal behalf, on behalf of "the criminals with law degrees", the accused and their other co-conspirators.

d. The Clerk in Special Term Part I initially refused to send the proposed order to Judge Gammerman, without seeing the underlying transcript of December 19, 1984, and after such transcript having been eventually shown to him, refused to transmit such proposed Order to Judge Gammerman, unless the proposed order was changed to conform to the decision of December 19, 1984.

e. Once again there was, ex parte, intervention by Administrator Riccobono, and the proposed order was transmitted and signed by Judge Gammerman on January 23, 1985.

f. The accused, at all times actually knew that the Order of January 23, 1985, was secured by corruption, and that some of its provisions were clearly "out-of-orbit", including:

"that Hyman Raffé and George Sassower, acting singly, together or in conjunction with any person or entity or acting at the behest, direction or instigation of any person or entity, and all others acting in concert or cooperation with or acting at the behest, direction, or instigation of either or both Hyman Raffé or George Sassower, are permanently enjoined and restrained from: filing or serving, or attempting to intervene in or initiate in any court, tribunal, agency or other forum of this State, any lawsuit, proceeding, investigation or other adversary matter, and from making or filing a complaint, grievance or correspondence with a professional disciplinary or grievance committee ..." [emphasis supplied]

g. The accused knew that the Judge Gammerman Order, at best, involved only two (2) tort actions in which I was involved as a party.

h. The accused also knew that I had a contractually based, constitutionally protected money judgment in Puccini which could not be "impaired" by state government or any state jurist or official (U.S. Constitution, Article 1 §10(1)), which included pursuing Puccini's assets which had been criminally diverted by "the criminals with law degrees".

i. The accused further knew that Feltman, the court-appointed receiver, had the mandatory obligation to account "at least once a year" (22 NYCRR §202.52[e]), and that I had the constitutional and statutory right (Bus. Corp. Law §1216[a]) to request judicial intervention to compel an accounting by the court-appointed receiver, which could not be "impaired".

j. As the accused knew there was nothing in the decision of December 19, 1984, which prohibited me or Raffé from communicating with or filing a complaint with a "grievance committee", and that provision, as well as others, were transparently invalid, which could have been disobeyed with impunity.

k. In short, the accused knew that the Judge Gammerman Order of January 23, 1985, not only corruptly secured, but also beyond the outer limits of his constitutional and statutory authority.

6a. Notwithstanding the "double jeopardy" prohibitions resulting from the Order of Mr. Justice Evans, entered on January 4, 1985, and the decisive Order of Mme. Justice Danzig of January 7, 1985, three (3) weeks thereafter, FKM&F commenced new criminal contempt proceedings against Raffé and myself, revolving about the same allegations contained in the prior contempt proceedings.

b. When these new criminal contempt proceedings were instituted, with the cooperation of the accused, there was pending in the state and federal courts, money damage actions against, inter alia, Riccobono and Referee DONALD DIAMOND ["Diamond"], in their personal capacities, wherein Raffé was the plaintiff, in his individual capacity and/or on behalf of Puccini, and I was the attorney.

c(1) The new contempt proceedings against me was referred to Mr. Justice Evans, as related to the prior contempt proceedings, but now after the ex parte intervention of Riccobono, as well as Presiding Justice Murphy of the First Department, were referred to Referee Diamond, also an "at-will" employee, whose civil authority was limited by CPLR §4317[b], and who had no criminal authority.

(2) Furthermore, as Mr. Justice Evans was aware, in addition to being a money damage defendant in the state and federal courts, Diamond was mentioned in the charges as a transactional actor.

(3) Thus although transactionally mentioned, Referee Diamond sustained "Charge L" which read:

"The filing of an Article 78 proceeding dated August 7, 1984, 'on behalf of Puccini' in the Appellate Division, First Department, against 'Justices Rettinger and Riccobono and Referee Diamond.'" [emphasis supplied]

(4) Referee Diamond also sustained "Charge XL" that a:

"Summons dated January 7, 1985 [had been issued], in an action entitled Hyman Raffé, individually and on behalf of Puccini Clothes, Ltd. against Donald Diamond, Jerome H. Barr and Citibank, N.A., individually and as executors of the Estate of Milton Kaufman and Lee Feltman, in the Supreme Court of the State of New York, County of New York." [emphasis supplied]

c(1) A year previously, I and my daughter had been physically barred, without any due process, from being in the Referee Diamond courtroom, and the Referee Diamond Report was rendered without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver, with a substantial monetary fine and a term of incarceration imposed thereon.

(2) In his Report, Referee Diamond repeated, ad nauseam:

"A plea of 'not guilty' in a criminal proceeding, is tantamount of a general denial in a civil action, and raises no triable issues of fact."

(3) With respect to Charge LXII, the Referee Diamond Report reads:

"Mr. Sassower's allegation of 'not guilty' is not sufficient to establish that there is an issue requiring a hearing because the claim that no pre-motion conference is true to my own knowledge." [emphasis supplied]

d(1) On or prior to June 3, 1985 the accused submitted an ex parte request, for authorization to commence disciplinary proceedings against me based, on information and belief, the knowing false assertion that I was engaged in frivolous litigation by demanding an accounting for the judicial trust assets of Puccini, and engaged in activities which Judge Evans had failed to find me guilty in a non-summary criminal contempt proceeding.

(2) The Appellate Division, Second Department, although they knew my requests for an accounting of Puccini's trust assets and restitution, had compelling merit, particularly with my contractually based assets in Puccini, responded to the desires of Presiding Justice Murphy and authorized disciplinary proceedings, although clearly without merit, and was meant to advance this criminal racketeering adventure.

(3) Furthermore, the Appellate Division appointed the accused to be the prosecutor, although it knew him to be disqualified for reasons heretofore set forth herein.

e(1) Instructively, to the extent that such authorization to prosecute was based on the unconfirmed Referee Diamond Report of May 1, 1985, it was deleted from the disbarment order, since it had been adjudicated a nullity by U.S. District Court Judge DAVID N. EDELSTEIN ["Edelstein"] based upon the Report of U.S. Magistrate Judge NINA GERSHON ["Gershon"] (Sassower v. Sheriff, 651 F. Supp. 128 [SDNY-1986]):

(2) Magistrate Gershon's eyeballs literally jettisoned themselves from their eyesockets, as she read the Referee Diamond's statement that:

"A plea of 'not guilty' in a criminal proceeding, is tantamount of a general denial in a civil action, and raises no triable issues of fact."

(3) As officially reported by Magistrate Gershon (Sassower v. Sheriff, supra at 131):

"According to Referee [Donald] Diamond, petitioner's [my] 'not guilty' defense raised in his [my] affidavit in Opposition to the Motion was 'tantamount to a general denial of the allegations contained in the petition ...' ... The Referee found that petitioner's 'not guilty' defense 'does not create a disputed issue requiring a hearing.' "

f(1) As I was to learn, almost two (2) after the Referee Diamond Report, and after I was disbarred, that while I was convicted of sixty (63) counts of non-summary criminal contempt Raffé, under the same trialess circumstances, was convicted of the same (63) counts, and an additional eight (8) counts, and punished proportionately greater.

(2) However, Raffé agreed to effectively surrender all his stock and creditor interests in Puccini; agreed to execute release to, inter alia, "the criminals with law degrees", the judiciary, and their co-conspirators; discharge me as his attorney, pay "extortion" monies, which by an unsolicited, court-filed affidavit, now "exceeds \$2,000,000.00"; and give other manifestly unlawful consideration, and unlike SAM POLUR, Esq. ["Polur"] and myself, Raffé was not incarcerated.

(3) All of the aforementioned, and much more, is in writing, including the cancelled check payments.

(4) As independently investigated, reported and published by, inter alia, four (4) years thereafter, by Mr. JONATHAN FERZIGER ["Ferziger"] of UNITED PRESS, INTERNATIONAL ["UPI"] in, inter alia, the Village Voice (June 6, 1989):

"By signing three extraordinary agreements in 1985, however In exchange, the court agreed to let him go free. The tab so far has come to more than \$2.5 million, paid to both the Feltman and Kreindler firms. Raffé continues to pay with checks from his A.R. Fuels Co. business. ... Attorney General Abrams ... saw copies of the checks. Abrams is the statutory watchdog over court-appointed receivers like Feltman."

g. As long as Raffé keeps paying and obeys the requests of FKM&F, and so the written agreement reads, he will not be incarcerated.

So Raffé pays, pays and pays, to these "judicial indulgence peddlers" under continuous threats that he will be incarcerated, as I was, if he refuses.

h. During the 1986 the accused prosecuted disciplinary proceedings against me "the criminals with law degrees", IRA POSTEL, Esq. ["Postel"], the accused, and Referee M. MICHAEL POTOKER ["Potoker"], knew of the aforementioned, and much more, but did not disclose such exculpatory information.

i. The accused also knew that Acting Supreme Court Judge DAVID B. SAXE ["Saxe"], in 1983, and thereafter Referee Diamond, unlawfully transferred approximately \$700,000 from Puccini's trust assets to FKM&F, but since they could not show \$5.00 worth of services that they rendered for Puccini, or intended to render for Puccini, they never filed their mandatory Judiciary Law §35-a Statements, which had to "certify" that the amount were "reasonable", and their 22 NYCRR §36.4 "explanation, in writing, of the reasons" for such awards.

j. The accused was also aware, as Postel and Raffe thereafter admitted, that their testimony was false, but compelled under threats by FKM&F that Raffe would be incarcerated if he did not testify as desired.

7a. During the aforementioned period of time, the accused was acting in consort, in tandem and cooperation with Gentile, who had "hijacked", "waylaid", "secreted", and/or "destroyed" my disciplinary complaints against K&R, FKM&F, and their co-conspirators.

b. Both the accused and Gentile, knew as a fact, that the Gammerman injunction which prohibited me from communicating with or filing a disciplinary complaint against "the criminals with law degrees" was transparently invalid, but intentionally, for criminal reasons, made no attempt to declare same invalid.

8a. From the information that I have been able to obtain, the accused, in his aforementioned conduct, to the extent that he made disclosures to the Grievance Committee, rendered false and deceptive reports.

b. Thus, at the present time, almost fourteen (14) years later, although an accounting must be filed "at least once a year" (22 NYCRR §202.52[e]), the miscreants of the profession, with their booty, remain active in corrupting jurist after jurist, court after court, having been aided and abetted by the accused, Chief Counsel to the Grievance Committee.

9a. On June 12, 1987, in an affirmation made under penalty of perjury, the accused stated:

"12. Appellant also asserts that he repeatedly asked for exculpatory materials, but received none. What appellant fails to mention (and, apparently, to grasp) is that there simply were no exculpatory materials. Under those circumstances it would be unreasonable to insist that they, nevertheless, be furnished. [emphasis supplied]

b. The accused knew then, and has always known that such and similar statements were false and/or perjurious.

Most Respectfully,

GEORGE SASSOWER

cc: Robert H. Straus, Esq.