GEORGE SASSOWER
Attorney-at-Law
10 Stewart Place
White Plains, NY 10603-3856
(914) 681-7196

July 21, 2005

Hon. Alberto R. Gonzales
Attorney General of the United States
Department of Justice
10th & Constitution Avenues
Washington, D.C. 20530

An Open Letter

Dear Mr. Attorney General:

While your Justice Department criminally prosecutes and civilly pursues those in business who "cook" financial books, some of its members were and/or are engaged in "cooking" their federal books in order to conceal from Congress, which has exclusive control of the federal purse, the unauthorized and illegal expenditure of federal monies, as confirmed by documents generated by your office (see *e.g.* Exhibits "A" & "B").

As we previously wrote you the failure of the President to nominate U.S. Attorney ***Samuel A. Alito, Jr.*** of New Jersey, now U.S. Circuit Court Judge for the Third Circuit, who was on the "short list" for appointment to the Supreme Court of the U.S., does not moot this matter.

Your failure to recover, in favor of the United States, the diverted federal monies (Exhibit "C") and the unauthorized expenditure of federal funds, is a blot on your department, invites scandal and jeopardizes your personal reputation and career.

This "open letter" is intended to inform, *inter alia*, the media and the public, in comprehensible legal language, matters of importance and targets the damages to the federal and state governments, rather than sustained by the involved individuals.

1A. Every Article III federal judge, U.S. Magistrate-Judge and U.S. Attorney ***knows*** that in a money damage tort action, a federal attorney can represent only the United States, never any person. The exception for a custom or revenue official, who theoretically can be sued in his/her name, and under special circumstances, be entitled to federal defense representation (28 ***U.S.C.*** §547[3]) can be ignored, since there are no reported cases where such event existed.

Where a federal judge, official, employee or person in the military is sued in his/her own name, is certified by the Attorney General, or any of his/her authorized subordinates (28 ***CFR*** §15.3) or judge that he/she was acting within the "scope" of his office or employment, the United States is automatically ***substituted*** as the defendant, and the federal attorney defends the United States, not the substituted person sued, who is no longer a defendant in the action (28 ***U.S.C.*** §2679[d]).

Otherwise stated: No "scope certificate" ***means*** no federal defense representation, at federal cost and expense. There are no exceptions!

The form and contents of a "scope certificate" appears in ***Gutierrez v. Lamagno***, 515 U.S. 417, at 421 n.2 [1995]) and states that "after an investigation" the authorized official or judge "certified" was acting within the scope of his office or employment" (Exhibit "D").

B. Every Article III federal judge, U.S. Magistrate-Judge and U.S. Attorney ***also knows*** that in a money damage tort action, a federal attorney cannot defend anyone, including the United States, unless a 28 ***U.S.C.*** §2675[a] "notice of claim" has been filed.

Otherwise stated: No 28 ***U.S.C.*** §2675[a] "notice of claim" ***also means*** no federal defense representation, at federal cost and expense, for anyone, including the United States. There are no exceptions!

C. Although "legally impossible", if federal defense representation is provided to a judge, official or employee who has not been "scope certified" and/or where no "notice of claim" exists, the reasonable value of these federal legal services results in "taxable income" and "taxes" must be paid thereon.

2. [Former] Chief U.S. District Court Judge ***Charles L. Brieant*** of the Southern District of New York and a [former] Member of the Judicial Conference of the United States "***fixes***" jurists in courts throughout the United States, whereby they accept a "legally impossible" scenario wherein the federal and NY State governments are defrauded, triggering "subject matter jurisdictional" infirmities, rendering all merit dispositions made to be null and void.

Commencing with ***Vilella et el. v. Santagata*** (SDNY 87Civ1450[GLG]]), which was filed five (5) months after Brieant became Chief Judge of the Southern District of New York, the Brieant "legally impossible" scenario has remained constant and thereby easily recognizable.

A. Under the "legally impossible" Brieant scenario, a federal attorney, at unauthorized federal cost and expense, defends the federal defendants, in their own names, since there are no 28 ***U.S.C.*** §2679[d] "scope" certificate in any of these actions.

In none of these "legally impossible" Brieant scripted actions, federal attorneys defended, although there were no 28 ***U.S.C.*** §2675[a] "notices of claim".

Obviously, in ***Vilella v. Santagata*** *(supra)*, [former] U.S. Attorney ***Rudolph W. Guiliani*** cooperated in this "legally impossible" Chief Judge Brieant orchestrated fraud by providing federal attorneys to defend federal judges and officials, in their own names, where there was also no "notice of claim", and then "cooked" federal records in order to conceal the unauthorized and illegal expenditures made!

As heretofore stated, the "cooking" of federal records by U.S. Attorney Guiliani did not excuse the reporting of the reasonable value of the legal services provided these federal judges and officials, and the payment of taxes due thereon.

Had these federal defendants been "scope" certified, the United States would have been "substituted" as the defendant, and the action would have been dismissed because of the absence of a 28 ***U.S.C.*** §2675[a] "notice of claim".

However, no authorized official in the United States Department of Justice, including U.S. Attorney Guiliani would, "after an investigation", "scope certify" any of these federal defendants.

In view of the undenied and uncontroverted allegations, U.S. District Court Judge ***Gerard L. Goettel*** also would not "scope certify" any of these federal defendants, including ***William C. Conner*** or ***Thomas J. Meskill***, both federal judges, who Judge Goettel voluntarily admitted had been his "house guests".

Judge Goettel, believing it inappropriate to sit in a money damage tort action where his "house guests" were defendants, *sua sponte*, recused himself.

However, after being "***fixed***" by Chief Judge Brieant, Judge Goettel, again *sua sponte*, reversed himself and adjudicated the action.

B. Participating in these nationwide frauds was the NY State Attorney General who, at unauthorized NY State cost and expense, defended state judges and officials, in manifest violation of Article XI of the ***Constitution of the U.S.*** (***Hans v. La.***, 134 U.S. 1 [1890]).

Obviously, NY State records were also being "cooked" in order to conceal these unconstitutional expenditures from the NY State fiscal authorities, which did not relieve the tax obligations of these NY State judges and officials.

4A. In New Jersey, Chief Judge Brieant in "fixing" U.S. District Court Judge ***Nicholas H. Politan*** in ***Geo. Sassower v. Abrams/Feltman*** (NJ-88 Civ 1012/1562 [NHP]), received the assistance of U.S. Atty Guiliani for the purpose of "fixing" U.S. Attorney ***Samuel A. Alito, Jr.***

Here also, U.S. Attorney Alito represented the federal defendants, including himself, in their own names, where no 28 ***U.S.C.*** §2679[d] "scope certificates" or 28 ***U.S.C.*** §2675[a] "notices of claim", although "legally impossible"!

Even before the government expenditures in New Jersey went "through the roof", a named federal official described the expenditures made as "staggering" (***New Jersey Law Journal***, July 13, 1989).

The monumental governmental expenses made were expended in order to transmit approximately $800,000 in "bribes" from the judicial trust assets of ***Puccini Clothes, Ltd.*** to judges and judicial officials.

Despite the monumental expenditures made, by reason of Alito's "cooking" operations, there is no record of ***Geo. Sassower v. Abrams/Feltman*** (*supra*) by the United States Department of Justice (Exhibit "A").

Here also, despite the "cooking" of federal records, the federal defendants had to report the reasonable value of the legal services rendered them and were obligated to pay the taxes due on same.

B Here also, in New Jersey, despite the Amendment XI/Hans constitutional prohibition, after being advised by Brieant that Judge Politan had been "fixed", the NY State Attorney General defended NY State judges and officials, including himself, at unconstitutional cost and expense and he also "cooked" his books to conceal same from NY State fiscal authorities.

5A. U.S. Circuit Court Judge ***James Harvie Wilkinson, III***, of the Fourth Circuit, who was also on the "short list" for the Supreme Court appointment, was a panel member in ***Geo. Sassower v. Whiteford/Fidelity*** (940 F.2d 653 [4th Cir.-1991]), wherein the federal defendants, sued personally in their own names, were defended by Assistant U.S. Attorney ***Barbara L. Herwig*** and the NY State defendants. sued in their personal capacity were defended by Assistant NY State Attorney General ***Carolyn Cairns Olson***, although "legally impossible"!

B. Whenever the local U.S. Attorney refused or was reluctant to involve himself in these fraudulent, "jurisdictional infirm", scenarios, the services of Assistant U.S. Attorney Herwig were enlisted.

Thus, Ms. Herwig defended federal defendants, in their own names, in the Fourth, Eighth and Ninth Circuits, "cooking" federal books in the process in order to conceal the unauthorized federal defense expenditures made.

Ms. Herwig knew, as did Judge Wilkinson and the other panel members, and the federal defendants involved, that her actions and expenditures were unauthorized and the "cooking" of federal books was involved.

C. Ms. Olson represented NY State judges and officials in their ***personal*** capacities in the Fourth, Sixth and NY Supreme Court, Westchester County.

The panel members, as does every law school graduate, knew that Ms. Olson's representation, at NY State cost and expense, violated Amendment XI/Hans and that the merit dispositions made were null and void.

D. As Judge Wilkinson was aware, he was also victimizing the insured beneficiaries of ***Fidelity & Deposit Co. of Maryland*** to preserved the "bribes" to judges and judicial officials.

6A. Five (5), essentially different, but related, actions were filed in NY State Supreme Court, Westchester County, and federal judges and officials, including Brieant, were sued in their own names, in tort, for money damages, in these actions.

A federal judge, official, employee or person in the military can be sued in tort in his "personal" capacity, not in his/her "official" capacity, in a non-federal court, since in an "official" capacity, it is an action against the United States and a non-federal court does not have "subject matter jurisdiction" in an action against the United States.

B. Neither U.S. Attorney ***Otto G. Obermaier***, nor any authorized official in the U.S. Department, or jurist would, "after an investigation" 28 ***U.S.C.*** §2679[d] "scope certify" Brieant or any of his federal cohorts.

Therefore these actions were properly in the NY State Supreme Court and could not be removed to a federal forum, particularly with state co-defendants.

C. In the first such action (***Geo. Sassower v. Abrams***, Index No. 92-17051[WDD]), the opening paragraphs reads:

> "This action against the defendants, ***Robert Abrams*** [`Abrams'], ***Francis T. Murphy*** [`Murphy'], ***Xavier C. Riccobono*** [`Riccobono'], ***Charles L. Brieant*** [`Brieant'] and ***James L. Oakes*** [`Oakes'] are in their private, personal, not official, capacities (***Hafer v. Melo***, 502 U.S. 21 [1991]).
>
> There is no claim here made, directly or indirectly, against the United States, the State of New York, or any governmental authority, nor is it intended to impose any financial burden upon the United States or State of New York, directly or indirectly, including in the form of legal expenses or disbursements (***Kentucky v. Graham***, 473 U.S. 159 [1985]).
>
> Similarly, neither Abrams, Murphy nor Riccobono ever claimed that their actions were committed 'within the scope of their office', or to serve sovereign interests (***NY Executive Law*** §63).
>
> In fact, the acts and actions of Abrams, Murphy and Riccobono, as well as Oakes and Brieant, are contrary and in defiance of federal and state legitimate interests.
>
> None of the actions charged herein against Murphy, Riccobono, Oakes or Brieant are for judicial decisions which they may have rendered."

This, as well as three (3) other actions were assigned to NY Supreme Court Justice ***W. Denis Donovan*** and immediately Assistant NY State Attorney General Olson communicated with ***Fred L. Shapiro***, Esq., "the White Plains courthouse fixer", for the purpose of "fixing" Judge Donovan and having her appear for the state defendants, sued in their personal capacities, at unauthorized NY State cost and expense.

In view of the allegations in the complaint the defense appearance of Olson, at NY State cost and expense, compelled the conclusion, without more, that Mr. Justice Donovan had been "fixed".

Then Brieant, employing the "clout" of his judicial office, dragooned the services of Assistant U.S. Attorney ***Robert W. Sadowski***, who did not have the authority to execute a "scope certificate", did not assert that Brieant or Oakes had acted within the "scope" of their offices, but who, nevertheless, issued a fraudulent and void "Notice of Removal" (Exhibit "E1").

Had the fraudulent documents been a "scope certificate", executed by an authorized official or judge, there would have been an automatic substitution of the United States as the defendant, and there was not!

Based upon such fraudulent, unauthorized and void "Notice of Removal", with the cooperation of the "fixed" Mr. Justice Donovan, the action, by self-help, was removed to Brieant's federal court.

At the federal forum, Chief Judge Brieant "doctored" the Docket Sheet so that while all defendants were listed in their own names, he alone was listed as "Chief Judge Charles L. Brieant", not as simply "Charles L. Brieant", and based upon such false listing, the Docket Sheet falsely lists "Jurisdiction: U.S. Government" with "***Robert Wayne Sadowski***" from the "U.S. Attorneys's Office" as the "lead attorney" (Exhibit "E2").

Assuming, *arguendo*, the United States was a defendant, and it was not, since there was no 28 ***U.S.C.*** §2675[a] filed, there could not be any appearance by a federal attorney (***McNeil v. U.S.***, 508 U.S. 106 [1993]).

This, removed action was assigned to U.S. District Court Judge Goettel, who recognized the fraud involved, including the lack of jurisdiction and, *sua sponte*, recused himself.

This removed action was then re-assigned to U.S. District Court Judge ***Leonard B. Sand*** who, also recognized the "lack of jurisdiction" and fraud involved, and also *sua sponte* recused himself.

After extensive "judge shopping", Chief Judge Brieant prevailed upon U.S. District Court Judge ***Peter K. Leisure*** to accept this action, despite its lethal "jurisdictional" infirmity.

D. With the refusal of U.S. Attorney Sadowski to further involve himself in these Brieant frauds, Chief Judge Brieant then enlisted the services of Assistant U.S. Attorney ***J. Elaine Wood***, who executed these fraudulent and void "Notices of Removal" for the other actions pending in Supreme Court, Westchester County (*e.g.* Exhibit "F1").

In an attempt to abort and frustrate these improper federal and state representations for these "personal" capacity defendants, along with the summons and complaint, I served a "Notice" which read (Exhibit "F2").

> The above, is a personal capacity action, without the intention of imposing any liability of the cost of defense representation upon the sovereign, federal or state (see <u>Kentucky v. Graham</u>, 473 U.S. 159 [1985]; <u>Kelly v. United States</u>, 568 F.2d 259, 264-265 n. 4 [2nd Cir.-1978] cert. denied 439 N.Y.S.2d 91 [Oneida Co.-1974]).
>
> Any sovereign representation, federal or state, will be deemed a criminal fraud upon the government.
>
> You, in this complaint, are charged with misconduct, of a criminal magnitude, with the intention of not furthering any legitimate governmental interests, which should not be further exacerbated by charge of criminally defrauding the government by any sovereign representation, at sovereign cost and expense."

The aforementioned notwithstanding, at unauthorized federal and state cost and expense, Chief Judge Brieant dragooned these other actions to Judge Leisure.

Here also, the Docket Sheets, were all doctored and falsified in that it was "Chief Judge Charles L. Brieant", who was listed as the co-defendant, not "Charles L. Brieant" and that jurisdiction existed because the "U.S. Government" was falsely asserted to be a defendant, when it was not (see *e.g.* Exhibit "F3").

Although U.S. Attorney Obermaier would not "scope" certify Brieant and his cohorts, he "cooked" the federal records to conceal the unauthorized expenditure of federal monies from Congress (Exhibit "B"), as did Olson for the NY State unauthorized expenditures.

E. Although ***Geo. Sassower v. Abrams***, 833 F. Supp. 253 [SDNY-1993]) is in hard published print, as purportedly valid, neither Brieant nor Leisure has ever been willing to swear under oath or affirm under penalty of perjury that it has any validity!

"On its face" ***Sassower v. Abrams*** (*supra*) reveals it is a manifest nullity by reason of, *inter alia*, a lack of "subject matter jurisdiction" (Exhibit "G").

7. An examination of all "***Brieant fixed***" actions in the Second and other federal circuits, would be a needless exercise, since the scenarios employed are essentially all the same, although "legally impossible".

However, it is clear and uncontroverted that all these actions are null and void as lacking in "subject matter jurisdiction" and that in each instance, federal books and records, except one (1), have been "cooked" in order to totally conceal such unauthorized expenditures made.

8. I was not involved in and know nothing about ***Reisner v. Stoller*** (51 Fed. Supp.2d 430 [SDNY-1999]), except as contained in the published decision by U.S. District Court Judge ***William C. Conner***.

It appears from the published title pages (430, 435-436) that the U.S. Attorney was defrauding the federal government, and NY State Attorney General ***Eliot Spitzer***. was defrauding the NY State government, by their representation of federal and state judges and officials in their "personal" capacities.

The published decision reads (Exhibit "H") that the U.S. Attorney was representing "Charles Brieant, Barbara Jones and Adlai Hardin" (all federal judges), obviously in their "personal" capacities, which neither Judge Brieant or Judge Hardin have denied. Had Brieant, Jones and Hardin been "scope certified", the U.S. Attorney would have represented the United States, not Brieant, Jones or Hardin.

Further confirming that these federal jurists, as well as the state jurists and officials, were being sued in their "personal" capacities, is the fact that the opinion of Judge Conner, speaks of "personal" immunities and defenses, when "personal" immunities and defenses do not exist in an "official" capacity action (***Kentucky v. Graham***, *supra*).

Obviously, Brieant, Jones and Hardin, as well as the state judges and officials, ***knew*** that federal and state books were being "cooked" to conceal these unauthorized federal and state expenditures.

B. While I know almost nothing about the conviction of ***Bernard Ebbers***, I am reasonably confident that had the Ebbers jury known that the United States Attorney was providing legal services to [U.S. Judge] ***Barbara Jones***, at unauthorized and illegal federal cost and expense, that the reasonable value of these legal services were not being reported as taxable income, as it should have been, that the taxes was not being paid on such taxable income, as it should have been, and that the U.S. Attorney had "cooked" his records to conceal such expenditures from Congress, the Ebbers verdict would have reflected such unknown facts.

I am also reasonably confident that had the Ebbers jury also known that federal monies (Exhibit "C") were being diverted to private pockets to be "laundered" as an additional "source" of "bribes" for judges and judicial officials, such fact would have also been reflected in the Ebbers verdict!

I express no opinion as to whether the U.S. Attorney and/or Judge Jones should have revealed the above, and much more similar information, to the defense.

Respectfully,

GEORGE SASSOWER

cc: U.S. Judge Charles L. Brieant

Exhibit "A"

U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information/Privacy Act Unit
600 E Street, N.W., Room 7100
Washington, D.C. 20530
202-616-6757 Fax 202-616-6478

[illegible]

Request Number: 96-2976 Date of Receipt: Sember 6, 1995

Requester: Mr. George Sassower

Subject: Sassower v. Abrams, Feltman

Dear Requester:

In response to your Freedom of Information Act and/or Privac Act request, the paragraph(s) checked below apply:

1. [ ] A search for records located in this office has revealed no records.
2. [X] A search for records located in the United States Attorney's Office(s) for the District of New Jersey has revealed nothing pertaining to this matter.
3. [ ] The records which you have requested cannot be located.
4. [ ] This office is continuing its work on the other subject/districts mentioned in your request.
5. [X] This is the final action my office will take on request.

You may appeal my decision in this matter by wri within thirty (30) days, to:

Office of Information and Privacy
United States Department of Justice
Flag Building, Suite 570
Washington, D.C. 20530

Both the envelope and the letter of appeal must be clear marked "Freedom of Information Act/Privacy Act Appeal."

Exhibit "B"

U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information/Privacy Act Unit
600 E Street, N.W., Room 7100
Washington, D.C. 20530
202-616-6757 Fax 202-616-6478

FEB 2 1999

Request Number: 98-3398 Date of Receipt: 01/19/99

Requester: Dennis F. Vilella

Subject: Sassower v. Mead

Dear Requester:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. [ ] A search for records located in this office has revealed no records.
2. [XX] A search for records located in the United States Attorney's Office(s) for the Southern District of New York has revealed no records.
3. [ ] The records which you have requested cannot be located.
4. [ ] This office is continuing its work on the other subject/districts mentioned in your request.
5. [XX] This is the final action my office will take on your request.

You may appeal my decision in this matter by writing within thirty (30) days, to:

Office of Information and Privacy
United States Department of Justice
Flag Building, Suite 570
Washington, D.C. 20530

Both the envelope and the letter of appeal must be clearly marked "Freedom of Information Act/Privacy Act Appeal."

Form No. 005 1/99

-2-

After the appeal has been decided, you may have judicial review by filing a complaint in the United States District Court for the judicial district in which you reside or have your principal place of business; the judicial district in which the requested records, if

Exhibit "C"

ORDERED, that each of Hyman Raffe, George Sassower, [illegible] Fuels Inc., and Madison Heat Corp., is fined; a) the [illegible] $1,000 per day commencing with and including ~~May [illegible]~~ June 7, this order is entered the date upon which ~~they were ordered to appear for [illegible] pursuant to Judge Nickerson's May 28, 1985 order~~ amount to be paid by each of Raffe, Sassower, A.R. [illegible] Inc. and Madison Heat Corp.; and; b) in addition [illegible], all reasonable attorneys' fees and disbursements [illegible]ed by Movants in enforcing the judgment of this Court February 22, 1985 including those incurred in the [illegible] proceeding, such attorneys' fees and disbursements fixed by a subsequent order of this Court; and it is [illegible]

ORDERED, that such fines shall be payable to the Court ~~[illegible], P.C., as attorneys for Citibank, N.A. [illegible] individually and as Executors of the [illegible] Kaufman; and is further~~

Exhibit "D"

[2]The certification read:

"I, Richard Cullen, United States Attorney for the Eastern District of Virginia, acting pursuant to the provisions of 28 U. S. C. §2679, and by virtue of the authority vested in me by the Appendix to 28 C.F.R. §15.3 (1991), hereby certify that I have investigated the circumstances of the incident upon which the plaintiff[s'] claim is based. On the basis of the information now available with respect to the allegations of the complaint, I hereby certify that defendant Dirk A. Lamagno was acting within the scope of his employment as an employee of the United States of America at the time of the incident giving rise to the above entitled action." App. 1–2.

Exhibit "E1"

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEORGE SASSOWER,

Plaintiff,

- v -

ROBERT ABRAMS, FRANCIS T. MURPHY, XAVIER C. RICCOBONO, CHARLES L. BRIEANT, JAMES L. OAKES, A.R. FUELS, INC. and HYMAN RAFFE,

Defendants.

NOTICE OF REMOVAL

92 CIV. 8515

LBS

PLEASE TAKE NOTICE that defendants Hon. Charles L. Brieant, Chief Judge of the United States District Court for the Southern District of New York and Hon. James L. Oakes, Judge of the United States Court of Appeals for the Second Circuit, by their attorney Otto G. Obermaier, United States Attorney for the Southern District of New York, hereby remove this action to the United States District Court for the Southern District of New York. The grounds for removal are as follows:

1. Chief Judge Brieant and Judge Oakes are named as defendants in an action now pending in the Supreme Court of the State of New York, as captioned above.

2. Chief Judge Brieant and Judge Oakes received copies of the summons and complaint in the above action by first class mail on October 1, 1992, and October 6, 1992, respectively. A copy of the Summons and Complaint is annexed hereto as Exhibit A.

3. Receipt of a summons and complaint by first class mail is not proper service. N.Y. Civ. Prac. Law § 308 (McKinney 1992). Chief Judge Brieant and Judge Oakes have not been served with the Summons and Complaint. Therefore, thirty days has not elapsed since service.

4. Chief Judge Brieant and Judge Oakes are officers of the courts of the United States of America. Pursuant to 28 U.S.C. §§ 1441(a) and (b), and 1442(a)(3), this action may properly be removed to this Court.

Dated: New York, New York
November 20, 1992

OTTO G. OBERMAIER
United States Attorney for the Southern District of New York
Attorney for Defendant

By: Robert W. Sadowski
ROBERT W. SADOWSKI (RS-4473)
Assistant United States Attorney
100 Church Street, 19th Floor
New York, New York 10007
Tel. No.: (212) 385-4381

TO:

GEORGE SASSOWER
16 Lake Street
White Plains, New York 10603

ROBERT ABRAMS
Attorney General of the State of New York

Carolyn Cairns Olson
Assistant Attorney General
120 Broadway, 24th Floor
New York, New York 10271

APPEAL, CLOSED, COMPLEX, LEAD

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:92-cv-08515-PKL-MHD
Internal Use Only

Sassower v. Abrams, et al
Assigned to: Judge Peter K. Leisure
Referred to: Magistrate Judge Michael H. Dolinger
Demand: $0
Cause: 28:1441 Petition for Removal- Civil Rights Act

Date Filed: 11/23/1992
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff
George Sassower

V.

Defendant
Robert Abrams

Defendant
Francis T. Murphy

Defendant
Xavier C. Riccobone

Defendant
Chief Judge Charles L. Brieant

represented by **Robert Wayne Sadowski**
U.S. Attorney's Office, SDNY (86 Chambers St.)
86 Chambers Street
New York, NY 10007
212-637-2200
Fax: (212) 637-2686
Email: robert.sadowski@usdoj.gov
LEAD ATTORNEY

Defendant
James L. Oakes

Defendant
A.R. Fuels, Inc.

Defendant
Hyman Raffe

Exhibit "E2"

Exhibit "F1"

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

GEORGE SASSOWER, Plaintiff, - v - MEAD DATA CENTRAL, INC.; WEST PUBLISHING CO.; LAWYERS CO-OPERATIVE PUBLISHING CO.; PRICE COMMUNICATIONS CORPORATION; WILLIAM P. BARR; BARBARA L. HERWIG; D. MICHAEL CRITES; ROBERT ABRAMS; THOMAS J. MESKILL; JAMES L. OAKES; JON O. NEWMAN; GEORGE C. PRATT; CHARLES L. BRIEANT; WILLIAM C. CONNER; GERARD L. GOETTEL; I. LEO GLASSER; FRANCIS T. MURPHY; MILTON MOLLEN; MATTHEW T. CROSSON; WILLIAM C. THOMPSON; ISAAC RUBIN; XAVIER C. RICCOBONO; IRA GAMMERMAN; DONALD DIAMOND; KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; FELTMAN, KARESH, MAJOR & FARBMAN; GILBERT S. MERITT; DONALD P. LAY; RICHARD S. ARNOLD; MICHAEL R. MERZ; LAWRENCE J. GLYNN; 16 LAKE STREET OWNERS, INC. AND DENIS DILLON, Defendants.	NOTICE OF REMOVAL Index No. 92-20423

PLEASE TAKE NOTICE that a notice of removal, a copy of which is annexed hereto, removing the above-captioned action which is pending in the Supreme Court of the State of New York, County of Westchester, was filed on November 23, 1992, with the Clerk of the United States District Court for the Southern District of New York pursuant to the provisions of 28 U.S.C. §§ 1441, 1442 and 1446.

Dated: New York, New York
December 21, 1992

OTTO G. OBERMAIER
United States Attorney for the Southern District of New York
Attorney for the Defendant

By: [signature]
G. ELAINE WOOD
Assistant United States Attorney
100 Church Street, 19th Floor
New York, New York 10007
Tel. No.: (212) 385-6370

TO:

GEORGE SASSOWER
16 Lake Street
White Plains, New York 10603

ROBERT ABRAMS
Attorney General of the State of New York

Angela Cartmill
Assistant Attorney General
120 Broadway, 24th Floor
New York, New York 10271

Exhibit "F2"

GEORGE SASSOWER
16 LAKE STREET
WHITE PLAINS, N.Y. 10603
914 949-2169

November 18, 1992

Re: Sassower v. Mead Data Central, et el.
Supreme Court : Westchester Co.
Index No. 92-20,523

Dear Sirs:

The above, is a personal capacity action, without the intention of imposing any liability or the cost of defense representation upon the sovereign, federal or state (see Kentucky v. Graham, 473 U.S. 159 [1985]; Kelley v. United States, 568 F.2d 259, 264-265 n. 4 [2nd Cir.-1978] cert. denied 439 U.S. 830 [1978]; Brennan v. Fatata, 78 Misc.2d 966, 359 N.Y.S.2d 91 [Oneida Co. 1974]).

Any sovereign representation, federal or state, will be deemed a criminal fraud upon the government.

You, in this complaint, are charged with misconduct, of a criminal magnitude, with the intention of not furthering any legitimate governmental interests, which should not be further exacerbated by a charge of criminally defrauding the government by any sovereign representation, at sovereign cost and expense.

Very truly yours,
GEORGE SASSOWER

U.S. ATTORNEY
FOR THE S.D.N.Y.
NOV 25 1992
1325 hrs
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Exhibit "F3"

APPEAL, CLOSED, COMPLEX

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:92-cv-09220-PKL
Internal Use Only

Sassower v. Mead Data Central, et al
Assigned to: Judge Peter K. Leisure
Demand: $0
Cause: 28:1441 Petition for Removal- Civil Rights Act

Date Filed: 12/21/1992
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff
George Sassower — represented by **George Sassower**, 16 Lake Street, White Plains, NY 10603, PRO SE

V.

Defendant
Mead Data Central, Inc.

Defendant
West Publishing Co.

Defendant
Lawyers Co-Operative Publishing Co.

Defendant
Price Communications Corporation

Defendant

Defendant
Chief Judge Charles L. Brieant — represented by **Elaine G. Wood** (See above for address) *LEAD ATTORNEY*

Defendant
William C. Conner — represented by **Elaine G. Wood** (See above for address) *LEAD ATTORNEY*

Defendant
Gerard L. Goettel

Defendant
Leo I. Glasser — represented by **Angela Cartmill** (See above for address) *LEAD ATTORNEY*

Exhibit "G"

George Sassower, pro se.

Mary Jo White, U.S. Atty., for the S.D.N.Y., New York City, G. Elaine Wood, of counsel, for Federal defendants.

Robert Abrams, Atty. Gen., for the State of N.Y., New York City, Angela M. Cartmill, of counsel, for State defendants.

Skadden, Arps, Slate, Meagher & Flom, New York City, Steven J. Kolleeny, of counsel, for Mead Data Cent., Inc.

Duncan, Fish & Bergson, Mineola, NY, Howard M. Bergson, of counsel, for Howard Bergson, Hyman Raffe, and A.R. Fuels, Inc.

Kreindler & Relkin, P.C., New York City, Jeffrey A. Wendler, of counsel, for Citibank, N.A., and Kreindler & Relkin, P.C.

Eliot Spitzer, Attorney General of the State of New York, William E. Sherwood,

J., Grasselino, John Pelzer and William D. Friedmann, New York City, for defendants, Simone A. Pam, Asst. Attorney General, of counsel.

Mary Jo White, United States Attorney for the Southern District of New York, Charles Brieant, Barbara Jones and Adlai Hardin, U.S. Department of Justice, New York City, for defendants, Sarah Thomas, Asst. United States Attorney, of counsel.

Exhibit "H"