

GEORGE SASSOWER

16 LAKE STREET
WHITE PLAINS, N.Y. 10603

914-949-2169

April 26, 1994

Hon. Robert Morganthau
1 Hogan Place,
New York, NY 10013

Honorable Sir:

I bring to your attention the perjury of two (2) employees of FIDELITY & DEPOSIT COMPANY OF MARYLAND ["F&D"] and desire criminal proceedings be instituted, which has ramifications beyond the perjury here set forth.

1. In the F&D filed submission to the U.S. District Court for the Southern District of Florida, dated January 31, 1994, its attorneys stated, inter alia:

"d) the fact that the Mastroianni bond never existed, giving rise to summary judgment with respect to Counts Three and Four." [emphasis supplied]

" Mr. Sassower has alleged that F&D issued a bond in or around March of 1977 as surety for the performance of Mr. Mastroianni in his performance as executor of the Estate of Eugene Paul Kelly, being administered before the Surrogate of Suffolk County, New York. 18. F&D has researched the matter, and presents herewith the Affidavits of Rosemary Roberto and Lisa Altamore, Exhibits K and L, which demonstrate that if such a bond existed, evidence of the same should be in F&D's files, and that it is not to be found there. The necessary inference is that the bond never existed." [emphasis supplied]

2. In their response (Document #49) to my Notice to Admit, the attorneys for F&D "denied" the following statement.

"10. F&D was served, in one of its many offices, and/or received the Petition of Mastroianni and/or his attorneys in the Kelly Estate matter dated December 17, 1984."

3a. Enclosed find copies of the perjurious affidavits of (1) ROSEMARY ROBERTO ["Roberto"], dated January 25, 1994, and (2) LISA ALTAMORE ["Altamore"], dated January 27, 1994, who are employees of F&D in the New York office, and it was their affidavits that were submitted to the court by the attorneys for F&D.

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b. Their perjury is conclusively shown by the enclosed copies of (1) Bond No. 585 89 29, (2) Bond No. 908564, (3) An Additional Bond under the same number, and (4) an affidavit of service, with signed return receipt by F&D, all out of New York office of F&D.

4. To repeat, the criminal conduct involved, is more extensive and egregious than the perjury here set forth, but such perjury is an appropriate starting point.

5. An acknowledgment and instructions for proceeding would be appreciated.

Very truly yours,

GEORGE SASSOWER

cc: Ms. Rosemary Roberto
Ms. Lisa Altamore
c/o Fidelity & Deposit Company of Maryland
111 John Street,
New York, NY 10038