

GEORGE SASSOWER

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July 18, 1987

Hon. Gerard L. Goettel
United States District Court
101 East Post Road,
White Plains, N.Y., 10601

Re: Vilella v. Santagata
87 Civ. 1450 [GLG]

Dear Sir:

1. This is to confirm a portion of the events before Your Honor, yesterday, Friday, July 17, 1987:

2a. Anything in the Order of Judge Vincent L. Broderick to the contrary notwithstanding, before Your Honor and Your Honor's Court, in the above entitled matter, I am entitled to represent my lay clients, as their attorney.

b. I am to have one (1) week to respond to the motions of the respondents.

3a. I assume that in accordance with the transcript of the proceedings of May 15, 1987 (filed June 30, 1987), I will be permitted to amend my complaint as part of my response, if I am so advised.

b. The aforementioned transcript, reads as follows (p. 23-24):

"MR. SASSOWER: ... Does that include, your Honor, an amended complaint in view of the motions to dismiss?

THE COURT: No, the one motion, I think, that can be granted without any problem is to allow you to amend your complaint.

MR. SASSOWER: Okay.

THE COURT: That, you can do."

4a. In response to my Order to Show Cause for "an Order granting petitioner, GEORGE SASSOWER, Esq., further directions and instructions", Your Honor in his sua sponte Order of June 10, 1987, set forth four (4) alternatives.

b. Your Honor in the most explicit language, rejected the first three (3) alternatives, and set forth the fourth as follows:

"4. an Order allowing a response to the motion to dismiss predicated on the fact that petitioner Sassower is a litigant himself, so that there is no impediment to his proceeding pro se."

c. Continuing, Your Honor's Order reads as follows:

"We see no impediment to Sassower responding to the motions on his own behalf as a pro se litigant."

d. I do not know of a single person, including my adversaries, who, at any time, expressed a different interpretation of the Order of June 10, 1987, and suggest that Your Honor re-read his own Order.

e. My own view, shared by others, is that Your Honor intended, by the Order of June 10, 1987, to conform to the holding of Judge Vincent L. Broderick, but omitted to provide for notice to my lay clients and afford them an opportunity to obtain other counsel.

f. Faced with a Writ of Prohibition and Mandamus, served on the morning of the 17th on behalf of Dennis F. Vilella, Your Honor recognized the jurisdictional omission, causing a changed and contrived interpretation of such Order.

5. The point is that I did not respond to the motions made on behalf of my clients because that would have violated the Order of Judge Vincent L. Broderick and also Your Honor's aforementioned Order, and that there was no default, intentional or otherwise, by such clients or myself on their behalf.

6. Now, that Your Honor has denied the criminal contempt motions, my right to silence falls, and I can and will respond, on my own behalf, as well, as part of the aforementioned response of my clients.

7. Since I have no intention of amending the complaint insofar as the one (1) respondent who answered the complaint, and who made no motion with respect to said complaint, to wit., Rashba & Pokart, I will request that Your Honor dispense with the necessity of such a pro forma motion, in accordance with Your Honor's above-mentioned remark.

8a. If there is anything in this letter, insofar as my future obligations and rights are concerned, to the contrary, I would appreciate an immediate response from Your Honor.

b. In a Circuit that approves criminal convictions and incarcerations without benefit of trial (cf. Acts of the Apostles, 25/16), "best safety lies in fear" (Hamlet, 1.03:43).

Respectfully,

GEORGE SASSOWER

cc: Hon. Vincent L. Broderick (M-2-238)
Robert Abrams, Esq.
U.S. Attorney, Rudolph W. Giuliani
Feltman, Karesh, Major, & Farbman, Esqs.
Kreindler & Relkin, P.C.
Schneck & Weltman, Esqs.
Dennis F. Vilella
Donald Leighton
Harold Cohen