

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT

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In the Matter of GEORGE SASSOWER, an

Attorney and Counselor-at-Law:

GRIEVANCE COMMITTEE

FOR THE

NINTH JUDICIAL DISTRICT,

Petitioner,

against

GEORGE SASSOWER,

Respondent.

WAIVER
OF
CONFIDENTIALITY

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To: Acting Presiding Justice *William F. Mastro* & Associate Justices of the Appellate Division

1. After permitting *Gary L. Casella*, Esq., Chief Counsel for Petitioner, with the opportunity to respond, I request that he be directed to provide me with the "non-confidential" information which I requested on February 10, 2012.

The body of his response of February 14, 2012, in full, was:

"Pursuant to Judiciary Law 90(10) and 22 NYCRR 691.4(j), any and all records of this Committee are sealed and deemed private and confidential. Such records may be released only upon order of the Appellate Division. Accordingly, this Committee is exempt from the disclosure requirements of the Freedom of Information Law (see Public Officers Law Section 87[a][2]).

Therefore, we are unable to assist you."

Ironically, had I & *Doris L. Sassower*, Esq., been convicted, instead of resoundingly vindicated, I would not need the permission of anyone in order to obtain most of the confidential information in these proceedings!

2. Since I did not wish to attribute to Mr. Casella any misconduct prior to his assuming his present position, I requested that:

1. "Could you advise me of the date that the employment of Donald B. Humphrey, Esq. as Counsel for the Grievance Committee, Ninth Judicial District, was terminated and the date that you assumed that position."

This & similar questions were not "confidential", within the meaning, intent or common sense of the statutes or otherwise.

3. In any event, to "moot" the issue I, for any and all purposes, formally, unequivocally & unambiguously, waive "confidentiality" in this matter (*In the Matter of Andrew F. Capoccia*, 59 N.Y.2d 549, 466 N.Y.S.2d 268).

Thus, in addition to the information requested on February 10, I now also request a copy of the Report of April 12, 1979 by the Grievance Committee, which Report requested permission to have me prosecuted for Professional Misconduct.

3. This Court, based on the aforementioned Report by Petitioner, dated April 12, 1979, issued an Order dated May 18, 1979, authorizing my prosecution.

Approximately twenty (20) months later this Court, by Order dated January 9, 1981, transferred this matter to the First Judicial Department, where under an Amended Petition dated April 13, 1981, I was prosecuted for fourteen (14) counts of Professional Misconduct.

A substantially similar judicial scenario was followed for my former spouse, *Doris L. Sassower*, Esq., who was prosecuted for twenty (20) counts of Professional Misconduct.

The results were resounding vindications, 34-0, with leave to *Doris L. Sassower*, Esq. to seek sanctions against the Grievance Committee.

4. The other information that I desired in my request of February 10, 2012 was:

“ 2. Please confirm, you were hired by Presiding Justice Milton Mollen and/or the Appellate Division, Second Department to be Counsel of the Grievance Committee, Ninth Judicial District, and in that position you are an at-will employee.

3. The amounts expended by your office between 1978 and 1982 for the prosecution of myself and *Doris L. Sassower*, Esq., and if that includes that paid to Hon. *Aloysius J. Melia*.

If such information is not available, the budget of your office for each year from 1975-1982.

4. Except for the prosecution of myself & *Doris L. Sassower*, Esq., during your tenure in office, no attorney has been completely vindicated.”

5. Where the matter involves the expenditure of government monies, it is a matter of “public concern”!

The “public” has a right to know the amount of public monies expended, not to prosecute the misconduct of attorneys, but to *conceal* judicial misconduct!

6. Although, after cross-examination, the petitioner was constrained most of the fourteen (14) charges, as stated by Hon. *Aloysius J. Melia* (Report pg. 2-3):

“A preliminary conference was held, and motions heard, on August 18, 1981.

Hearings were held on August 27, September 2, 14, 17, 23, 25, October 7, 9, 14, 16, 22, 28, 30, November 4, December 2, 3 and 4.

There were 18 sessions during which 171 exhibits were received into evidence, 69 by the petitioner and 102 by the respondent.

It is important to note at the outset that none of these charges involve acts of moral turpitude. There is no claim that the respondent siphoned off a client’s assets nor was guilty of overreaching, nor any similar impropriety.

Indeed, to date, neither the respondent as executor of the Kelly estate, nor his wife as attorney, has received any fee or expenses for a great deal of work performed.”

During the course of the hearings, the petitioner withdrew charges one, two, five and eleven through fourteen.

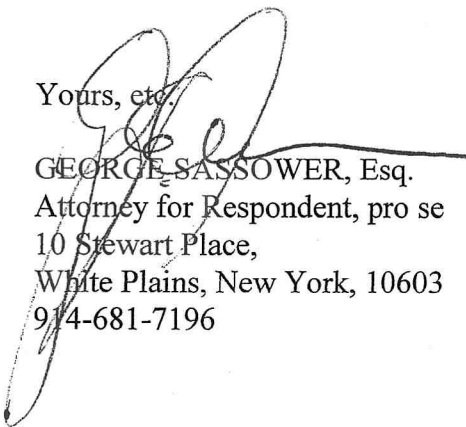
Though these charges were withdrawn, in view of the serious allegations made therein, I deem it important that this court be advised of the circumstances.”

7. Today, thirty-four (34) years *Anthony Mastroianni* was appointed the Temporary Administrator of the *Estate of Eugene Paul Kelly, deceased*, there is still: (1) *no* settlement of his account; (2) *no* judgement or final order terminating the *Kelly Estate* proceeding; (3) *no* valid order discharging *Anthony Mastroianni* or his surety, and *no* Judiciary Law §35-a Statements.

All disposable assets in the *Kelly Estate* were dissipated to satisfy the “*personal*” obligations of NY Suffolk County Surrogate-Judge *Ernest L. Signorelli* and “*personal*” desires of *Anthony Mastroianni*, leaving nothing for any beneficiary, including the prime beneficiaries, the three (3) motherless infants of the testators predeceased daughter!

Dated: White Plains, New York
February 20, 2012

Yours, etc.


GEORGE SASSOWER, Esq.
Attorney for Respondent, pro se
10 Stewart Place,
White Plains, New York, 10603
914-681-7196

To: Gary L. Casella, Esq.
Doris L. Sassower, Esq.

Waiver Filed & Relief Requested Granted

Acting Presiding Justice
Appellate Division: Second Department