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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 SECOND :

AND ELEVENTH JUDICIAL DISTRICTS, :

Petitioner, :

----- X

Brooklyn, New York

April 3, 1986

B e f o r e :

HON. M. MICHAEL POTOKER,
Referee

A p p e a r a n c e s :

ROBERT H. STRAUS, ESQ.
Chief Counsel, Grievance Committee

SYLVIA BAXT, RPR
Official Court Reporter

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3 THE COURT: Are you ready, gentlemen?

4 MR. SASSOWER: Your Honor, I'd like to --

5 MR. STRAUS: Go ahead, Mr. Sassower.

6 MR. SASSOWER: Your Honor, I'd like to make a
7 short statement, and not necessarily in any proper
8 order, but let me throw you all the problems all at
9 one time. And these problems I can assure your
10 Honor, as your Honor will realize, are not of my
11 doing.

12 I found there's only one way to prosecute law;
13 it's to try a case and then go to the next case.

14 A number of problems have arisen; two problems
15 are of great importance, one of them --I think your
16 Honor may have received an Affidavit of mine with
17 respect to a Referee Diamond?

18 THE COURT: Yes, I received an Affirmation of
19 yours.

20 MR. SASSOWER: An Affirmation --

21 THE COURT: An Affirmation requesting an adjour-
22 ment.

23 MR. SASSOWER: Well, let me tell you what hap-
24 pened after that.

25 THE COURT: I didn't see this until five o'clock

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when I arrived home last night.

MR. SASSOWER: Let me tell you another problem I had. You know, the problems have problems.

Tuesday morning I went to a court conference in Supreme Court, Westchester County, and a judge set down a scheduling order which is next to impossible, but somehow I'm going to comply with it. It's a case that was only started in February, where I'm a defendant, and he made a scheduling order, everything must be completed by May 15th, which is very, very difficult. In any event, on Tuesday afternoon I went out in Long Island, pursuant to the matter which I discussed with you on Friday, and I went before a Judge Joseph and, well, let me just --did someone speak to you? Judge Joseph?

THE COURT: No.

MR. SASSOWER: Well, I think he attempted to call your Honor, but the sum and substance of what Judge Joseph did was, take a case which I tried to push forward for about seven years and just gave up, and all of a sudden this case, which has been lying fallow for about six or seven years, he called the conference for us and he said he's been appointed

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Acting Surrogate by the Office of Court Administration and by Judge Mollen, and he intends to proceed with the matter. And he wanted to set the matter down for trial for February --I'm sorry, April 21st, which worked out to April 28th because of the intervening holidays.

It's a case which, if I would work on it full-time would take me at least two months to prepare it. And I believe very, very sincerely in the statement of the Russian general during the Napoleonic wars who said, "Train hard, fight easy." Trying a case means a lot of preparation. Be that as it may, I told his Honor, I said, "Look, I don't want to fight you, and I don't want to fight with Judge Potoker. I can try either the case before his Honor, or I can try a case before you, but it's absolutely impossible for me to try both." He said, "No, this case comes first. I'm going to try it," and there was a brief intermission and I wasn't paying really too much attention, but I think --I gave your Honor the address at 111 Livingston Street and my --I'm positive he tried to contact your Honor. And I assume he was unsuccessful.

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So I told his Honor out in the Island that I would ask your Honor to contact him so that you can work out a schedule. I just can't try that case and this case at the same time.

I also spoke to Martin Brownstein over at the Appellate Division yesterday afternoon, and I said, "Since both directives come directly or indirectly from Presiding Justice Mollen," you know, "I think," you know, "he should become involved in this matter; tell me whether I should try this one, or try that one," and Mr. Brownstein told me I should write him a letter on the point, and he would take it up with Judge Mollen. And I told him, in sum and substance, that I would bring your attention to the matter and maybe you can speak to Judge Joseph and work out a scheduling order between you.

Now, when I left April 1st, Tuesday - I got back from the Island about seven o'clock in the evening - I realized as I was driving back that if I have to go out before Judge Joseph on the 28th, I've got to start right now preparing, and I started unpacking and sent out --in that case I have to get a waiver of confidentiality from the Appellate

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Division First Department. I've gotta get certain papers from the Appellate Division Second Department I've got subpoenas to send out, I got one day to serve a Notice to Admit - today is the only day I can serve the Notice to Admit - and all the packing that I did Monday, I literally unpacked Wednesday to get some papers out on the other matter.

So I am coming here, your Honor, pretty much -- not pretty much, totally unprepared from the time I left here Thursday. And I will try to cooperate with your Honor; I will try to cooperate with Judge Martin; I will try to cooperate with Judge Joseph. But on the other hand, I mean...and this Diamond thing, Judge, if they take my software I literally take a gun and put it to my head. Okay? I mean, it's --everything I have is on my software. And I had really --Monday afternoon I started to pack and I was moving out of the state.

Now, I want to make one thing very clear to your Honor. There is no \$5,000 judgment against me. There is no valid \$5,000 order against me. And notwithstanding, it just doesn't exist. They have gone over, restrained my bank accounts, taken more than

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\$5,000 - listen to this - taken more than \$5,000. They have taken my trust money that I have for one of my children; they have taken my special monies, escrow monies, and on top of that, based on a non-existing Order, Judgment, they have, you know, they have just pointed out, that's all they want is they want my word processor and my software because that's you know, that paralyzes me.

I tell you frankly, your Honor, I leave my house, I shiver that somebody will go in and take my word processor and software. I've got to get out of the state. I must, if I'm to survive. If I would tell your Honor some of the things that have come out of Referee Diamond's non-pub--

MR. STRAUS: Your Honor, I'm going to object.

You've been going on now --it's almost eleven o'clock. We haven't --

MR. SASSOWER: Okay, okay.

So I have these problems. I don't know how to resolve them. I don't think your Honor can resolve them. But to the extent that I would ask your Honor to communicate with Judge Joseph and work out something, I would appreciate it. That's in fairness to

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your Honor, and in fairness to me.

THE COURT: Mr. Straus?

MR. STRAUS: Yes, your Honor. My position is very clear; it has been from the beginning.

We had a pre-hearing conference on January 30th at which Mr. Sassower announced that he was ready. He wanted to proceed the next day. He wanted to proceed on a five-day-a-week basis. He also made the representation that he would put all other legal business aside and devote all of his attention to this matter, because he wanted an expeditious result.

Since that time there have been numerous applications, many of which have been granted, at Mr. Sassower's request, all at Mr. Sassower's request for adjournments. I think on three or four occasions sessions which had been previously scheduled have been cancelled; on other occasions sessions that were scheduled to begin at 10 were, at Mr. Sassower's request, moved back to 11, to 12, 11:30 --I don't know the various times.

He indicated that he intended, in order to evade the consequences of an Order which he says

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will be executed against him, to leave the jurisdiction.

He's also indicated that he now intends to try a matter, although he is actually engaged on this matter.

First of all, the Disciplinary Proceeding takes a preference over all other matters, pursuant to the rules of the Appellate Division. Second, this matter has been on trial since the middle of February. Mr. Sassower purportedly was ready at the end of January.

At this point the only thing that I am aware of that Mr. Sassower intends to do with respect to his defense is complete his testimony, which will certainly been completed long in advance of any date in late April of this year.

I propose that we --the only thing I want to advise Mr. Sassower is, because in one of his letters, or his Affirmation, he indicated that only one day was scheduled for next week, which is not the case. We have proceedings scheduled for the 10th, or, the 9th and the 10th of next week I believe, and that was scheduled at our last appear-

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ance. So that I would propose that we go on today, that Mr. Sassower appear here as scheduled next week on the 9th and 10th, as we had scheduled, at ten o'clock in the morning on both days; that we make arrangements after that, if we need the dates, to conduct this hearing or to conclude this hearing on the 15th at ten o'clock, and on the 17th at ten o'clock, which is the Tuesday-Thursday schedule which your Honor made clear from the very outset of this proceeding.

If we need any additional days, I would propose that we continue to meet on Tuesdays and Thursdays at 10 in the morning until this hearing is concluded. If Mr. Sassower has other problems, he will have to resolve them. Other attorneys, busy practitioners, have to meet the same problems that Mr. Sassower has. In fact, as many of the witnesses have testified to, Mr. Sassower was not particularly sympathetic to their problems in imposing burdens on them.

So I propose that we continue to proceed pursuant to the schedule which your Honor has already fixed, and that you enter into, or, that you not be

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required to enter into any arrangement with any other judge which will affect the schedule that we've already agreed upon.

MR. SASSOWER: Your Honor, you know, I don't know if I'm in a different place. I know of one day that I was very ill, and I've been here even --when I just couldn't physically make it at all. I don't know about any other inconveniences of any substantial nature that --

MR. STRAUS: You asked that last week's entire schedule be cancelled, all three days. You asked that all three of those days be cancelled. You asked that Tuesday of this week --

MR. SASSOWER: No, just --

MR. STRAUS: You're filibustering again.

MR. SASSOWER: Excuse me. Your Honor, your Honor, none of this, whether it be Judge Joseph, or Judge Martin, or Referee Diamond, is of my making. Of course I was ready in January. I know these problems you have when these sessions are not continuous; I know that, because some other judge grabs you if you're not on trial. All I'm asking your Honor to do, because I said to Judge Joseph, when

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3 apparently he couldn't reach you, is that I would
4 have your Honor --I would ask your Honor to communi-
5 cate with him and --I'm not interested in fighting
6 with your Honor; I'm not interested in fighting
7 with Judge Joseph on that point. All I say is both
8 of you agree and I'm going to abide by it, but one
9 thing I cannot do, I cannot be in two places at the
10 same time.

11 Now, true, he set it down for April 28th. He's
12 given me no time to prepare, and really, has stated
13 on the record he is not interested in other court
14 engagements. And I specifically told him I was
15 before your Honor. So work it out, your Honor.
16 I'll try to abide by it by whatever I can. I cannot
17 abide by both directions. That's all I'm asking
18 your Honor. I'm not interested in fighting with
19 your Honor on that point, and I'm not interested in
20 fighting with Judge Joseph on that point.

21 THE COURT: What's Judge Joseph's number? Do
22 you have his number?

23 MR. SASSOWER: Yes. In fact I got the letter
24 telling me of the appointment after I was there.
25 516 --it's right on here, your Honor, 516 --

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(Whereupon the Court left the Bench and a short recess ensued.)

THE COURT: I attempted to speak to Acting Surrogate Joseph at the number you gave me and the line's been busy now for the last ten or fifteen minutes. I don't want to waste anymore time. May I suggest that we continue with the scheduled hearing for today, and that I will attempt to locate or speak to Judge Joseph either sometime today or tomorrow.

MR. SASSOWER: I'd appreciate it, your Honor.

THE COURT: And we do have two scheduled hearings for April 9th and 10th, and unless you hear from me to the contrary, those hearings will be held as scheduled.

MR. SASSOWER: All right.

I only had down April 9th. I knew April 8th was --no; well.

Oh, to complete my statement, your Honor, certainly the time I wasted - and I say wasted - drawing up another application to the Appellate Division because of what happened on Thursday, was not my fault, Mr. Straus.

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THE COURT: All right. Are we ready to continue with the direct examination?

MR. SASSOWER: Your Honor, may I have the Affidavit that I sent your Honor with respect to Referee Diamond be deemed marked as an exhibit, Court's exhibit?

THE COURT: That will be marked as Respondent Exhibit VVV for identification.

(Whereupon Affidavit is duly marked Respondent's Exhibit VVV, for identification.)

GEORGE SASSOWER, having been previously duly sworn, resumed the witness stand and continued testifying as follows:

THE COURT: You're still under oath.

THE WITNESS: I think I recall where we left off, but I'm not too sure. If your Honor would refresh my recollection --

THE COURT: Last thing I have, number 1, you did comply with Judge Schwartz' Order, and you, as a matter of fact, turned over all the records that you had in June, 1980, three months before her Order. You went on to say that Raffae and you sought indemnification.

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3 THE WITNESS: Let me put it this way: As far
4 as the Arutt firm is concerned, I don't ever recall
5 them complaining that I did not give them anything
6 that they were entitled to, and I know of no judge
7 which held that I had violated Judge Schwartz' Order.
8 In fact, in Judge Schwartz' Order it was not I who
9 appealed, it was Kreindler and Relkin who appealed.
10 I was happy with Judge Schwartz' Order.

11 As far as Judge Greenfield's Order is concerned,
12 I know of no time that any judge ever contended, or
13 ever stated that I had violated Judge Greenfield's
14 Order.

15 Now, Judge Sinclair's Order. There were two
16 Judge Sinclair Orders, and if you understand the
17 relationship between the parties, you can only con-
18 clude that it was impossible for me to violate
19 Judge Sinclair's Order.

20 Let us first take the Order with regard to the
21 third-party action, which was impossible to violate.
22 Okay? But to understand it, you have to go back and
23 understand how it was procured in the first place.
24 There was no doubt at that time that what was good
25 for Raffe, who was the defendant, was good for the

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third-party defendants.

MR. STRAUS: If your Honor please, I'm going to object at this point because Mr. Sassower went through all of this, the background of the third-party action and how he went to the other attorneys and insisted that they file certain papers.

I would ask that he move forward.

THE WITNESS: I am moving forward.

MR. STRAUS: I ask that he move forward in his direct testimony.

THE WITNESS: I am moving forward.

THE COURT: Please continue, Mr. Sassower.

THE WITNESS: All right. That cross-motion, when it came into me, looked --I'd like this to be marked in evidence. That was the first page of the Notice of Motion.

MR. STRAUS: You're offering something in evidence?

THE WITNESS: Yes.

MR. STRAUS: May I take a look at it, please?

THE WITNESS: Sure.

(Document handed to counsel.)

THE COURT: Triple "W" for identification at

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this point.

MR. STRAUS: I must object, your Honor. This has absolutely no relevance. This is the first page of a Notice of Cross-Motion which was --to which was annexed Affidavits by Mr. Dann, and exhibits, and an Affirmation by Arthur Goldstein. It has absolutely no relevance.

THE WITNESS: How do you know, sir, until you listen to the evidence.

MR. STRAUS: Mr. Sassower, you made these statements over and over again, what was in your mind and --

THE WITNESS: No, no.

MR. STRAUS: --what you believed people were doing.

THE WITNESS: Excuse me, you don't know --

MR. STRAUS: I object to its receipt in evidence.

THE WITNESS: I have to draw your attention to something first. You might see what's significant, your Honor.

(Whereupon document is handed to the Court.)

THE COURT: Well, this is an incomplete --

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THE WITNESS: I'll give you the complete thing, but I just want to show you --but let me draw your attention, the Notice of Cross-Motion was Barr-1 and Puccini. No Barr-2. The first page --

MR. STRAUS: This is precisely why I'm objecting, your Honor.

THE WITNESS: Just a second.

MR. STRAUS: This goes back to the conspiracy theory, but only bringing one instead of bringing both they demonstrated the conspiracy, the fraud, the larceny.

THE WITNESS: I'm not talking about conspiracy now.

THE COURT: Mr. Sassower, continue, please.

THE WITNESS: The first page of the moving Affidavit as I received it was this (indicating). Would you like to look at that? Because I'd like to offer it in evidence.

MR. STRAUS: You're offering something in evidence?

THE WITNESS: Yes.

MR. STRAUS: It has to be marked for identification.

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THE COURT: Mark it for identification, XXX.
And the Affidavit was WWW.

(Whereupon first page of Affidavit was duly
marked Respondent's Exhibit WWW, for identification.)

(Whereupon first page of Notice of Cross-Motion
was duly marked Respondent's Exhibit XXX, for identification.)

MR. STRAUS: Mr. Sassower is offering in evidence an Affirmation in Opposition to the Cross-Motion. Now --

THE WITNESS: Right.

MR. STRAUS: --again, if your Honor please, there are certain limitations, or there should be certain limitations on what Mr. Sassower's testimony should be allowed to relate to. Broadly they should relate to the charges against him. Instead, as he's said over and over again, he's now going to demonstrate how, why it's clear that there was a larceny and a fraud perpetrated --

THE WITNESS: You're wrong, Mr. Straus.

MR. STRAUS: --and a conspiracy. Now, if Mr. Sassower has an offer of proof to offer to your Honor as to why this is relevant to the charges

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against him, which he is supposed to be defending against, I would have no objection. However, I think that he is --he cannot make a valid offer of proof with respect to these documents.

THE WITNESS: I will show your Honor, I will show your Honor first of all that the Order was a nullity, was recognized as a nullity by two judges, okay? And why --by more than two judges --and why, if you understand it, why it was recognized as a nullity, and why Judge Evans and why nobody --and you'll see an Order from Judge Evans which recognizes it as a nullity.

MR. STRAUS: If your Honor please, if Mr. Sassower, as he states, has something which demonstrates that the Orders were set aside, vacated, reversed, remanded, or in any other way affected, then I would suggest, in fact I would insist, that he offer the direct proof, and if he has such direct proof, then he might be able to offer documents which were made in support of that. However, other than his own statements that these Orders were a nullity, he's never offered any proof to that effect, and putting in his own motions --

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THE WITNESS: Not my own motion.

MR. STRAUS: --motions, affirmations that he made does not in fact establish the point which he says he's going to establish.

THE WITNESS: I answered, I answered your Honor --

THE COURT: The objection to the receipt of Exhibit triple "X in evidence is sustained.

THE WITNESS: All right. I answered Barr-1 and Puccini-1.

THE COURT: You're talking about Judge Sinclair's Order --

THE WITNESS: Right.

THE COURT: --which barred you from --

THE WITNESS: It didn't. It didn't. Let me go through it and you'll see it didn't, your Honor.

MR. STRAUS: Your Honor, if Mr. Sassower is going to offer testimony --

THE COURT: "It is ordered that George Sassower or any attorney affiliated or in any way associated with him is disqualified from representing Hyman Raffe in this action," and then somebody crossed out the remainder of that paragraph.

MR. STRAUS: And there is a second Order.

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THE WITNESS: And there's a subsequent Order by Judge Evans. But you gotta learn the chronology here to understand it.

MR. STRAUS: Again, your Honor, I would have no objection if Mr. Sassower has an Order which he's going to offer.

THE WITNESS: You'll get it.

MR. STRAUS: Once the Order is received which has the effect which he claims that it has, then perhaps the testimony might be appropriate. But he's never offered any such evidence.

THE COURT: Mr. Sassower, what you're attempting to do, at least by the testimony up to this point, on the Judge Sinclair's Order is to reargue the Order.

THE WITNESS: No, your Honor. Let me continue and I'll make my offer.

THE COURT: The question is whether or not --

THE WITNESS: No.

THE COURT: --you abided by his Order.

THE WITNESS: Absolutely. Absolutely. But let me show you the whole picture.

MR. STRAUS: It's when Mr. Sassower said, "the

Sassower - direct

whole picture," that I must object.

THE WITNESS: Okay.

MR. STRAUS: What he means by "the whole picture" --

THE COURT: I think we know what he means.

THE WITNESS: Okay. Now, when a decision came down, which I did not see until after the Order was signed, which --

THE COURT: Decision by whom?

THE WITNESS: By Judge Sinclair. And this is only what we're talking about, the indemnification. Now, when the decision came down, the motion was only made as to Barr-1. When the decision came down it came down not as to Barr-1, it came down as to Barr-2. And here is a decision of Judge Sinclair and I want to offer this in evidence.

THE COURT: A decision of the --

THE WITNESS: Decision on that matter.

THE COURT: YYY for identification.

MR. STRAUS: May we have it marked for identification first, your Honor?

THE COURT: Yes.

(Whereupon Decision of Judge Sinclair was duly

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marked Respondent's Exhibit YYY, for identification.)

MR. STRAUS: Your Honor, I must question --this proposed document grants a Motion to Disqualify Mr. Sassower.

THE WITNESS: No it doesn't. Read it exactly. Read it exactly.

MR. STRAUS: "Cross-Motion by third-party defendants to disqualify George Sassower, Esquire as attorney for third-party plaintiff Raffe, is granted."

THE WITNESS: Right; I was only disqualified according to the Decision, as to the third-party action, not to the main action.

MR. STRAUS: If your Honor please --

THE WITNESS: Wait a second.

MR. STRAUS: You cannot vary the terms of an Order.

THE WITNESS: We're going to go --

MR. STRAUS: If Mr. Sassower felt that the Order did not properly represent the action, or the decision previously made, then he should have brought an appropriate motion against the Order.

THE WITNESS: Maybe I did.

MR. STRAUS: You cannot attack the Order by this,

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and I object to its receipt in evidence. Unless he can show something --

THE WITNESS: I will show you. I will show you. Judge Evans' Order of April --

MR. STRAUS: You keep saying that but you haven't offered anything.

THE WITNESS: I can only offer one thing at a time, Mr. Straus.

MR. STRAUS: Well, again, unless you offer an Order, this is clearly irrelevant. Unless you offer something in evidence which does vary the Order which is in evidence, you can't just put in whatever you want.

THE COURT: This is dated October 16th, 1981?

THE WITNESS: Right.

THE COURT: Judge Sinclair's first Order is --

MR. STRAUS: --is February 1st, '82.

THE WITNESS: It's based on that decision. It was signed in February. I think in the recitation clause it'll say.

THE COURT: Exhibit --

MR. STRAUS: It's "E" and "F," your Honor.

THE COURT: February --

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THE WITNESS: 1st.

THE COURT: '81.

THE WITNESS: '82.

MR. STRAUS: It's '82 actually I think on one of the papers.

THE COURT: Let me see. But the parties agree that it was '82.

MR. STRAUS: Yes, your Honor.

THE WITNESS: Right.

THE COURT: 2-1-82. And the second Order, same date?

THE WITNESS: Same date. But the recitation clause refers to this decision.

THE COURT: So your document which you've now presented to the Court as Exhibit YYV for identification is an earlier --

THE WITNESS: No, it's a decision.

THE COURT: Well, it's October 16th, 1981.

THE WITNESS: Yeah, and the Order was based on that decision.

MR. STRAUS: Which is precisely the point your Honor ruled on. The Order is in effect. He can't go behind the Order.

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THE COURT: Did you make a motion to resettle the Order?

THE WITNESS: I'm coming to it.

THE COURT: I'll hold this in abeyance then. Go ahead.

THE WITNESS: Okay? The Order was a submitted Order, or a settled Order, based upon the decision. Now, when the Order was then signed and then found its way in the County Clerk's Office was the first time that I was able to see the original papers. And when I saw the original papers and checked it back and forth, I found that the Notice of Motion had been changed. And I offer this in evidence.

MR. STRAUS: I will object to it until you show an Order.

THE WITNESS: Will you listen?

MR. STRAUS: --which resettled that Order. This is irrelevant. What you did makes no difference. What happened to the Order is what is important.

THE COURT: Let me see it.

THE WITNESS: They had substituted --

THE COURT: Wait; wait; wait.

THE WITNESS: Okay. Let it be marked.

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THE COURT: Marked triple "Z" for identification.

(Whereupon Notice of Motion is duly marked
Respondent's Exhibit ZZZ for identification.)

MR. STRAUS: If your Honor please, I respectfully submit, rather, that now we will go through the alphabet for the fourth time with a number of documents of which perhaps a half a dozen have been received.

THE COURT: This is incomplete. It's just a top sheet.

THE WITNESS: Right. Everything else was the same.

MR. STRAUS: If your Honor please, may I make my objection as to this? If he's going to offer a series of documents for identification and then not show you an Order which resettled Judge Sinclair's Orders, this will have been a typical monumental waste of time and effort, because if Mr. Sassower has such an Order, he should show it at this point and I won't object to any of these documents.

THE COURT: All right. They're not received in evidence at this time. They're for identification.

Will you continue, sir, and in line with what

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I indicated earlier, that this decision of October 16, 1981, preceded the entry of the Orders on 2-1-82, what you --

THE WITNESS: No.

THE COURT: Sir?

THE WITNESS: Yeah.

THE COURT: Once you were made aware of the Order of 2-1-82, what if anything did you do. Tell me what you did; tell me what the end result was.

THE WITNESS: All right. Now, now we go to the second part --

THE COURT: Were the Orders ever vacated?

THE WITNESS: Judge Evans, on April 10th, on April 10th --

THE COURT: Judge Evans couldn't vacate Judge Sinclair's Order.

THE WITNESS: Let me explain something; let me explain. It went to Judge Evans.

THE COURT: Which Evans?

THE WITNESS: Martin Evans.

THE COURT: Yes?

THE WITNESS: On April 10th.

THE COURT: April 10th of 1982?

Sassower - direct

THE WITNESS: '85..

THE COURT: '85?

THE WITNESS: Right.

THE COURT: What happened between February 1, '82 and --

THE WITNESS: Judge, first of all --

THE COURT: --and April 10th, let's say '85.

THE WITNESS: I'm making it very short. First of all, Judge Sinclair was ill and hospitalized for almost a year, for one whole year. And Referee Diamond came out with this Judge Crater rule, okay? That I had to get Judge Sinclair's permission, and according to Referee Diamond, if the Order affected, even though on its renewal as a matter of right, if an Order affected a judge and the judge died, that was the end of it. Judge Sinclair was in the hospital, as I said, from '84 to '85.

THE COURT: Did you make an application to the Administrative Judge of New York County Supreme Court, that in view of the fact that Mr. Justice Sinclair is incapacitated, you want the Motion to go before another judge?

THE WITNESS: We did something better than that.

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We went to the Appellate Division on it.

THE COURT: And what happened.

THE WITNESS: Okay, but --

THE COURT: What happened, sir. You said you went to the Appellate Division. You went to do what, to vacate?

THE WITNESS: In sum and substance --no.

THE COURT: What did you do with reference to the two Orders of Justice Sinclair?

THE WITNESS: It's part of some other problem. We went and made a motion returnable in Trial Term 11, which all the rules say you should make it returnable in Trial Term 11. Judge Diamond directed Judge Sinclair --Judge Danzig to abort that motion without prejudice, that it should be made to Judge Sinclair. We made it to Judge Sinclair. Referee Diamond told Judge Sinclair that it should be made to Judge Danzig. So we took an Article 78 proceeding, made Judge Danzig a respondent, made Judge Sinclair a respondent, and in sum and substance said, "Look, he tells Judge Danzig it should be made to Judge Sinclair, and Judge Sinclair --

THE COURT: What happened?

Sassower - direct

THE WITNESS: Okay. The Assistant Attorney General put in an Affidavit saying, "Yes, Judge Sinclair will entertain renewal." Okay?

MR. STRAUS: Excuse me, Mr. Sassower, you said the Attorney General put in an Affidavit saying that Judge Sinclair had the power to do --you're indicating that, that --

THE WITNESS: Yes, it was an Affidavit

MR. STRAUS: --that the Attorney General made an Order.

THE WITNESS: No, representation to the Appellate Division.

MR. STRAUS: I didn't mean to interrupt you.

THE WITNESS: I'll give you --

MR. STRAUS: No, that's all I needed.

THE WITNESS: So we went before Judge Sinclair --

THE COURT: When?

THE WITNESS: I'll tell you in a moment. Just before --I'll tell you in a second. August of 1984, okay?

THE COURT: Yes.

THE WITNESS: Okay.

THE COURT: That's roughly two years-plus from

Sassower - direct

the date of the entry of --

THE WITNESS: We didn't discover --

THE COURT: What year are you saying?

THE WITNESS: Wait a second. We were stopped from going to Judge Sinclair by somebody else. But you wanted me to get to the point. So we went to Judge Sinclair, and at this point, for reasons I won't go into at this time, he refused to honor his attorney's Affidavit in the Appellate Division. So we went over to Judge Sinclair's --

THE COURT: What do you mean he refused to honor it?

THE WITNESS: He refused to honor it.

THE COURT: He refused to take the matter under investigation?

THE WITNESS: He refused to sign our Order to Show Cause.

THE COURT: Go ahead.

THE WITNESS: So we went to his attorney back at the Attorney General's office, and we all agreed that when it came to such kind of an Order, one had the absolute right to make the motion so that you could go to the Appellate Division.

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So I asked Dave Cook, okay? "Now that I have the right to make this motion, as a matter of right, where do I make it returnable?" Dave Cook, who represented Referee Diamond who represented Judge Sinclair who represented Judge Riccobono who represented all of them --

THE COURT: Cook of the Attorney General's office?

THE WITNESS: Cook of the Attorney General's office. --said, "You have the right," and it's in my Affidavit --

THE COURT: Did you go to the Appellate Division?

THE WITNESS: Wait a second.

THE COURT: Why do we have to wait a second?

THE WITNESS: Because it's testimony that was given.

THE COURT: Did you go to the Appellate Division?

THE WITNESS: We couldn't at this point. We had to make a motion. We had to make a motion. So we made the motion --wait a second.

THE COURT: Before whom, returnable before whom?

Sassower - direct

THE WITNESS: We made it in seven different places. We said, "Look, Judge Sinclair says it goes to Danzig; Danzig says it goes to Sinclair" --

THE COURT: But the Appellate Division already said --

THE WITNESS: No, no, no.

THE COURT: --that if the Judge refused --

THE WITNESS: That's what happens when you go -- when we went to the Appellate Division with an Article 78 proceeding saying, in sum and substance, "You decide where it's returnable," the Attorney General came in with an Affidavit representing both Danzig and Judge Sinclair, saying, "Judge Sinclair will take it."

Based upon the Attorney General's representation that now we can go to Judge Sinclair, the proceeding was either withdrawn or dismissed, I don't recall offhand.

THE COURT: So you went before Judge Sinclair. And what happened, what was your application before Judge Sinclair.

THE WITNESS: To renewal, as a matter of right.

THE COURT: To renew your earlier application

Sassower - direct

to vacate or indemnify the February, '82 Orders?

THE WITNESS: No. There were two Orders. There were two Orders.

THE COURT: Yes?

THE WITNESS: Wait a second.

THE COURT: One dated February 1, 1982 --

THE WITNESS: Right, but they dealt with two different subjects, and they both dealt with the same procedural course. Now, I'll come back to it later.

Now, what happened was, when Dave Cook couldn't find out, or make any determination, as to where it should be made returnable in view of the representation, and everything else, we sat down and I said, "Look, Dave, I'll take the exact same motion, I'll make it returnable in Trial Term 11, before Judge Sinclair, before Special 1, and about four more different places, and let the judiciary determine what, where it should go," because we all agreed --

THE COURT: What did Judge Sinclair do?

THE WITNESS: Judge Sinclair took sick.

THE COURT: Again?

THE WITNESS: No, that was the time he took

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sick. He took sick immediately thereafter, and he was out for a year.

THE COURT: So you were already --you already testified you appeared before Judge Sinclair again in August of '84.

THE WITNESS: He took sick right after Labor Day, the day after Labor Day.

THE COURT: What year?

THE WITNESS: '84.

THE COURT: '84. What happened between '82 and '84? Was he sick then?

THE WITNESS: No, we made --

THE COURT: Oh, he was not sick. I was led to believe he was sick for a year, from '82 to '83.

THE WITNESS: No, no, no.

MR. STRAUS: Mr. Sassower testified previously, your Honor --I'm a little confused; can we clarify something?

THE WITNESS: You're telling me to jump ahead.

MR. STRAUS: You said in August, '84, Judge Sinclair refused to sign an Order to Show Cause, in August of '84.

THE WITNESS: Right.

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MR. STRAUS: Is that --

THE WITNESS: No. It was signed, at least my notes indicate it was signed --I'm sorry. It was signed, but it was signed by Judge Parness, okay?

THE COURT: In any event, did you subsequently, or ultimately appear before Judge Sinclair?

THE WITNESS: No, no. So the next pages --

THE COURT: Yes or no, sir.

THE WITNESS: Let me explain you what happened.

THE COURT: I know, but you're going over all the preliminary steps. What was the end result.

THE WITNESS: Judge Martin Evans said, on April 10th, 1984 --

THE COURT: '84?

THE WITNESS: '85.

THE COURT: '85. Go ahead.

THE WITNESS: I'm not saying the exact words, that, "I'll get a copy of the Order; that what Sassower is doing is not violative of the spirit of Judge Sinclair's Order," and that perhaps, and again this is not --he should go back to Judge Sinclair. Judge Sinclair was still sick at that time.

But previous to that, in January, Judge Danzig

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held --now we're still talking about Barr-2, where I never even answered the papers because I answered Barr-1, Judge Danzig held, Sassower is not violating anything.

THE COURT: When was this?

THE WITNESS: January 7th, 1985, or January -- let's put it January, 1985.

Now, to bring it really up to date --

THE COURT: You went before --

THE WITNESS: --that matter right now, Schneider is appealing, okay?

MR. STRAUS: What matter?

THE WITNESS: This whole disqualification thing. Schneider is appealing it, and I have filed --

THE COURT: Appealing which one, Judge Evans, Judge Danzig, Judge Sinclair?

THE WITNESS: All right. He is appealing, in effect, Judge Evans' Orders.

THE COURT: What did Judge Evans' Order say, other than giving his opinion that what you're doing is not violative of the spirit of Judge Sinclair's Order.

THE WITNESS: Right. And therefore, and there-

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fore, and therefore, since nobody has ever contended or ever shown that my actions prejudiced anybody, Judge Evans said, "I fine you \$250," which is a pile of papers that the Schneider firm put in that was two feet high.

THE COURT: If you were doing everything that you were legally entitled to do, why did he fine you?

THE WITNESS: Because --

THE COURT: You said what he said was --

THE WITNESS: Wait a second.

THE COURT: --what you're doing is not violative of Judge Sinclair's Order, and at the same time he fined you \$250?

THE WITNESS: No. Once --the first time he fined me after a two-year voluminous submission, and you have to understand what a \$250 fine means in contempt.

THE COURT: Why any fine?

THE WITNESS: Wait a second; I'll go back and explain to you. There was no evidence in civil contempt. He clearly vindicated me of criminal contempt - that he threw out. When he came to civil contempt --

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THE COURT: You say he threw it out. Did he mention it, or just an Order?

THE WITNESS: When --when --Schneider submitted an Order holding me in criminal contempt, he tore out the page and told Dickheiser, who was the Order Clerk of Special 1, "Redraw it for civil contempt." Dickheiser put in, as part of the civil contempt, that the conduct of Sassower --it's a statutory necessity because of the jurisdiction --that the conduct of --

THE COURT: What conduct? He said --

THE WITNESS: There was no evidence.

THE COURT: --that the Order was not violative of the spirit?

THE WITNESS: Yes, and he fined me \$250. That's why it's on appeal now. I'm not appealing, Judge, I wouldn't appeal a \$250 fine. But Schneider is appealing it, so I'm cross-appealing it.

Now, there are three Judge Evans Orders, Martin Evans Orders. The first one fined me \$250. The second one says, he is --in sum and substance, and I'll get the original Order --he is not doing anything violative, and the third Order, he refused

1
2 Sassower - direct

3 to follow the Diamond recommendation and fined me
4 nothing. These are now being appealed.

5 Now, I cross-appealed, saying that the \$250
6 fine Judge Evans cannot impose because there is no
7 evidence - not even an allegation - that I impaired,
8 prejudiced, or impeded the rights or remedies of
9 anybody. And since there is no evidence of that,
10 there is no evidence of that, then by statute there
11 is no jurisdiction. So I --

12 MR. STRAUS: Excuse me just a minute, Mr. Sas-
13 sower.

14 THE WITNESS: Let me finish.

15 MR. STRAUS: Your Honor, there is a document
16 in evidence as Exhibit 37 which is Judge Evans'
17 Order. It is dated November 15th, 1985. I'm a
18 little confused as to what --there's an Order here
19 which is dated November 15th --I didn't mean to
20 interrupt you --and it indicates that the papers had
21 been submitted in June of '85.

22 THE WITNESS: Well, all right.

23 MR. STRAUS: --or had been on the calendar in
24 June of '85. Now, is that --

25 THE WITNESS: No.

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MR. STRAUS: If your Honor please, I don't know.
This is the exhibit.

THE COURT: I have papers in opposition submitted by the Respondents.

THE WITNESS: There are four --

THE COURT: As Petitioner's Exhibit 36 and
Petitioner's Exhibit 37, Decision and Order of Judge
Evans, dated November 15th, 1985, which affirmed
63 counts of criminal contempt.

THE WITNESS: And finding nothing.

THE COURT: He affirmed these 63 counts.

MR. STRAUS: If it's the same one, Mr. Sassower,
this is what I asked you. However, punishment does
not appear to be necessary at this time. That portion
of the Motion which seeks the imposition of jail
sentence is denied with leave to renew in the event
that the other punishment previously ordered is
determined not to have the necessary deterrent effect.

All I'm asking your Honor is --

THE WITNESS: There's one after that.

MR. STRAUS: This is not the one you're referring to, Exhibit 37?

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THE WITNESS: No.

MR. STRAUS: Is it another exhibit?

THE WITNESS: Sure.

MR. STRAUS: Is it in evidence?

THE WITNESS: I don't know whether it's in evidence or not. It was entered January 27th, 1986.

THE COURT: '86?

THE WITNESS: '86.

MR. STRAUS: I don't think we have one in evidence from 1986.

THE WITNESS: Well I'll bring it in.

You see, your Honor, the only way you can really, you know, really understand this is a chronology. Okay? Now --

MR. STRAUS: Your Honor, I have no objection to a chronology, but I do have an objection to going through a useless chronology if it doesn't lead to any --now, you've been through a chronology which has lasted approximately an hour, and you have yet to disclose to Judge Potoker anything which modified or vacated the Order of Judge Sinclair which I understood was the offer of proof.

THE WITNESS: Have you got April 10th?

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THE COURT: We have Exhibit 57 in evidence, sixteen attempts to vacate Judge Evans' --

THE WITNESS: Baloney. This is baloney. You're talking about reargument, Judge. I'm telling you if you take it chronologically, you will see that what Mr. Straus has put in has been Schneider's garbage, mislabeling --

MR. STRAUS: The documents are in evidence.

THE WITNESS: The document's in evidence, but the labeling is wrong, and the impression is wrong, and I'm trying to straighten it out because very, very frankly --let's understand one thing.

THE COURT: Mr. Sassower, let's get back to Judge Sinclair's Order which threw out Judge Evans's April 10th, 1985 where he fined you \$250.

THE WITNESS: He fined me on January 4th.

THE COURT: January 4th?

THE WITNESS: '85.

MR. STRAUS: The one we had was November 11th.

THE WITNESS: April 10th Judge Evans saw already.

THE COURT: All right. January 4th, '85. Is that when you were fined?

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THE WITNESS: 250.

THE COURT: Yes.

THE WITNESS: Okay? Now, when I say 250, your Honor --

THE COURT: What is the status of Judge Sinclair's Orders of February 1, 1982?

THE WITNESS: They're on appeal.

THE COURT: But they're still in effect. They haven't been modified or vacated?

THE WITNESS: They've been modified and vacated.

THE COURT: Wait a minute. All Judge Evans said, if you are correct --if your testimony is correct, is that what you did, and I don't know what he had in front of him --

THE WITNESS: I'll tell you.

THE COURT: --is not violative of the spirit of Judge Sinclair's Order.

THE WITNESS: Let me explain.

THE COURT: He didn't modify Judge Sinclair's Order?

THE WITNESS: No, no. Let me explain what Judge Martin Evans had before him in January when he signed the Order of January, 1985.

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MR. STRAUS: Your Honor, I'm going to object, if your Honor please.

THE WITNESS: I asked --

MR. STRAUS: If there's no modification --I have no doubt that Mr. Sassower can recite all sorts of facts and chronologies and unrelated matters, but the point is, he made an offer that Judge Sinclair's Order --Orders had been modified in some way, or vacated in some way, and now, when we get to the end of this recitation, it turns out that it never was modified, never was vacated, and never was reversed. So this recitation is totally irrelevant, and in fact it does not in any way coincide with the offer of proof he made, your Honor.

THE COURT: Next?

THE WITNESS: Judge, I wanted to say one thing. Nobody, except for the \$250 fine which is up on appeal now, and has been recognized as erroneous by Judge Evans himself on April --

MR. STRAUS: Objection to that.

THE WITNESS: --has found me guilty of violating Judge Sinclair's Order. This is what I'm telling you.

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THE COURT: I know, but the Grievance Committee is charging you with violation.

THE WITNESS: But all the judges are saying no.

THE COURT: You say, all the judges?

THE WITNESS: Judge Sinclair, Judge --

MR. STRAUS: I'm going to object to this type of hearsay. If he's got something which demonstrates that, then I wouldn't object. Otherwise, it's rank hearsay.

THE COURT: Mr. Sassower.

THE WITNESS: I'll give it to you.

THE COURT: Let's go on to number 3 of Charge 5, the Order of Supreme Court Justice Greenfield, dated September 8, 1982.

THE WITNESS: Now again, how that was gotten into --

THE COURT: Don't tell us how it was gotten into.

THE WITNESS: Wait a second. I think it's important, your Honor, but --

THE COURT: Is this Order still in effect? Has it been modified or vacated?

THE WITNESS: It's never been violated. Now,

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in order to understand Judge Greenfield's Order, you
have to understand --

THE COURT: It's still in effect, charging
Mr. Sassower with violating Judge Greenfield's Order?

MR. STRAUS: Absolutely.

THE WITNESS: Show me where.

MR. STRAUS: Mr. Sassower, this is really silly.
Either you have a hearing problem or a comprehension
problem.

THE WITNESS: No, you show me.

MR. STRAUS: You've been told at least twenty
times.

THE WITNESS: Fine, and two hundred judges --

MR. STRAUS: You don't listen.

THE WITNESS: And no judge has found me guilty
of that.

THE COURT: That's another matter.

THE WITNESS: Now let me tell you why your
Honor is unfair in this procedure. I'll tell you
why.

THE COURT: No, sir.

THE WITNESS: Could I just say one word? One
word?

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THE COURT: I know, but you're going on --

THE WITNESS: I haven't got all the papers here. The judges had -ll the papers. I wanted you to take judicial notice of all the papers. You say no. You want me to keep the papers? You say no. You want to re-try what other judges do? Fine, take the papers.

THE COURT: Sir, you were testifying that you did not violate Judge Greenfield's Order. All right, continue on.

THE WITNESS: Because --one thing further: if any judge told me that I was violating Judge Greenfield's Order by doing so and so, I would either appeal it, or stop. Nobody has ever said --when I say no judge has ever said that I violated Judge Greenfield's Order. Nobody's ever said that I violated Judge Sinclair's Order. Nobody has ever said, with the exception of the \$250 fine which has subsequently been modified by Judge Evans himself, that I have ever violated Judge Sinclair's guarantee Order. Okay? Now let's talk about the Puccini Order. The Puccini dissolution.

THE COURT: Let's talk about Judge Greenfield's

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Order.

THE WITNESS: If anybody will show me how I violated it, I'll either acknowledge it or deny it. But nobody's ever shown me how I violated it.

THE COURT: Exhibit "E" and "F" which are in evidence, is a list of cases in which you appeared in direct violation of Judge Greenfield's Order.

THE WITNESS: You mean, it's alleged. Okay, let's go through the list. Okay.

Have you got an extra copy, Mr. Straus?

MR. STRAUS: No I haven't, Mr. Sassower. You've gotten plenty of copies.

THE WITNESS: I will go through the list and show you that it wasn't violated, but I don't have a copy with me now, it's in the car.

MR. STRAUS: I don't know which list he wants.

THE COURT: Do we have any of the exhibits that are in evidence?

MR. STRAUS: We have all the exhibits.

THE COURT: He's entitled to see those exhibits which are in evidence, and refer to them.

THE WITNESS: Could I see it? I'll go down the list. "E" and "F?"

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MR. STRAUS: "E" and "F" are the Sinclair Orders.

THE COURT: We're now addressing ourselves to Judge Greenfield's Order.

THE WITNESS: It's 10 and 11. Could I see 10 and 11, please?

(Documents are handed to the witness.)

THE WITNESS: Thank you.

Now, okay. Turn to Schedule "I," your Honor, which is Exhibit 10.

MR. STRAUS: Schedule "I?" You mean Roman Numeral I.

THE WITNESS: Okay. Your Honor want to follow me?

THE COURT: Go ahead.

THE WITNESS: You want to follow me, your Honor, with your list?

THE COURT: Go ahead.

THE WITNESS: I'll go through. What's the date? Was Judge Schwartz' --

MR. STRAUS: We're talking about Judge Greenfield's Order.

THE WITNESS: Okay. 1: Raffe against Barr.

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MR. STRAUS: I don't really think you have to go to something which pre-dates the Order.

THE WITNESS: But you say here, violation of Court Orders.

MR. STRAUS: Judge Potoker asked you about Judge Greenfield's Orders.

THE WITNESS: All right.

THE COURT: Raffe v. Barr was the leader.

THE WITNESS: Number 2, I can't even see how anybody could contend I violated Judge Greenfield's Order. Number 3 --

MR. STRAUS: Well, it pre-dates it, Mr. Sassower.

THE WITNESS: All right. So, what date is Judge Greenfield's Orders?

MR. STRAUS: 9-8-82. That action is May of '82.

THE WITNESS: Okay. That's what I'm saying. Number 3, 3 certainly we couldn't violate Judge Greenfield's Order. Number 4, certainly couldn't violate Judge Greenfield's Order. Number 5, certainly couldn't violate Judge Greenfield's Order. As a matter of impossibility. Number 6, couldn't violate Judge Greenfield's Order. Number 7 --

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MR. STRAUS: On behalf of Puccini Clothes.

THE WITNESS: That's what you have to understand. I don't say I represent Puccini. Under Burroughs against Jackson, Pierce against Societies, there's a difference between saying you represent somebody and saying you're including a certain action for the benefit of somebody. If Mr. Schneider or the Receiver wanted to assert their rights for Puccini, God bless them. And nobody --you take number 7, for example, you look at all the papers. At no place, at no time did anybody ever state, allege, insinuate, that that was violative of Judge Greenfield's Order. No place. And anytime Mr. Schneider wanted to take over, he was at liberty. But I would suggest in Supreme Court, Burroughs against Jackson, complete distinction.

Number 8, couldn't violate Judge Greenfield's Order.

MR. STRAUS: That was withdrawn, I believe, Mr. Sassower.

THE WITNESS: Well, I don't know. All right. Number 9, again, the same thing. It wasn't even contended. Now if somebody had contended at that

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early stage that this violated Judge Greenfield's Order, I would have either stopped or disputed it. Nobody even contended it. Number 10 was eliminated also I think.

MR. STRAUS: Uh-huh.

THE WITNESS: Number 11, same thing. None of these; I'll go through right down the line. Now, you take number 12, for example, nobody ever contended I violated Judge Greenfield's Order. At anyplace. Now, if they had contended it, again I say, it would have been an issue, the judge would have rendered a decision. Nobody even contended it.

Number 13, the same thing. Number 14, couldn't violate Judge Greenfield's Order. Number 15, I mean, what I would like to do, your Honor, since I can't bring all these papers to your Honor, if you will pick out one or two, I will subpoena those one or two and show them to your Honor, the whole file, and your Honor could see that nobody ever contended it. I don't want --

MR. STRAUS: If your Honor please, at this time I'm going to object to Mr. Sassower saying what any-- the question is, did he violate the Orders, which is

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a decision --

THE WITNESS: No, absolutely no.

MR. STRAUS: --for you to make on the facts.

The Order speaks for itself. The actions are listed. If Mr. Sassower cannot defend against it by saying nobody else thought that I violated the Order, or nobody else brought an action, which I believe is contrary to the facts, but it's irrelevant.

THE WITNESS: How could any judge just by a list, a nomenclature that was drawn up by somebody else --you want to see the papers? I'll bring you the papers.

MR. STRAUS: If your Honor please, we maintain as we always have, that when Mr. Sassower brings an action on behalf of Puccini Clothes after being barred by Judge Greenfield from appearing on behalf of Puccini Clothes, that that is a clear violation of Judge Greenfield's Orders.

If you want the specifics, that's pretty clear, Mr. Sassower. If you're the attorney and you say you represent --

THE WITNESS: I didn't say I represent.

MR. STRAUS: Or acting on behalf of --

THE WITNESS: I do not.

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MR. STRAUS: If you say you're acting on behalf of an entity which does not want you to represent them, we maintain that it's a violation of the Order.

However, my objection is to the line of testimony, which doesn't go to the charges, your Honor.

THE WITNESS: I am saying, your Honor --

THE COURT: What you're saying is, nobody charged you with violating the Order. The Grievance Committee charged you with violating the Order. Now, you can respond to that.

THE WITNESS: Absolutely not.

THE COURT: How you did not violate the Order.

THE WITNESS: Right. Burroughs against Jackson, Pierce against Society Sisters, both Supreme Court of the United States, there's also a Cornell Law Review article on it, which I'll bring your Honor.

THE COURT: Sir, it's simple. Did you at any time appear or move, make applications, on behalf of Puccini Clothes after the Order of Justice Greenfield dated September 8, 1982 in which he prohibited you from representing Puccini, unless expressly author-

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ized by Lee Feltman, Puccini's court appointed Receiver. That's the only question.

THE WITNESS: I never contravened that Order.

THE COURT: All right. Go ahead.

THE WITNESS: I never contravened that Order.

THE COURT: You say you never contravened the Order?

THE WITNESS: No.

THE COURT: The question was whether or not you proceeded to file actions on behalf of Puccini Clothes --

THE WITNESS: Nobody --by the way, I will say this --

THE COURT: --without the express authorization of Mr. Feltman.

THE WITNESS: I will say this: The first time that I recall that any assertion was made of that fact was in Judge Martin Evans, and it was rejected; and it was rejected by every other judge when decision was made. There is not one judge where that assertion was made, starting in '85.

THE COURT: Any assertions made --the Grievance Committee has made the assertion, and the Grievance

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Committee informed you of the number of cases.

THE WITNESS: Absolutely not.

THE COURT: The number of cases in which you were involved on behalf of Puccini Clothes.

THE WITNESS: I don't think Mr. Straus ever cracked a law book, and certainly didn't read Burroughs against Jackson.

THE COURT: Sir, let's forget Burroughs against Jackson; we're interested in George Sassower.

THE WITNESS: Fine. I didn't violate, and no judge found me to violate.

THE COURT: I didn't ask you sir --you seem to be skirting the question.

THE WITNESS: I'm not.

THE COURT: Forget about using the word "violate."

THE WITNESS: Yes, what do you want.

THE COURT: Did you, following the entry of Judge Greenfield's Order dated September 8, 1982, continue to represent Puccini Clothes without the express authorization of Lee Feltman?

THE WITNESS: In state courts? Never.

THE COURT: Never. All right.

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THE WITNESS: Never, in state courts.

THE COURT: In any courts, sir.

THE WITNESS: Federal court doesn't --state
can't bind the Federal court. That has a complete
distinction.

THE COURT: That's the position you took? You're
saying that in the state courts you did not --

THE WITNESS: No.

THE COURT: All right. But you may have, or you
did in the Federal court?

THE WITNESS: Yeah, on one occasion.

THE COURT: And the Federal courts were not
bound by Judge Greenfield's Order. Is that what
you're saying?

THE WITNESS: Yeah.

THE COURT: Go ahead.

THE WITNESS: May I, for a moment, give you
what I consider the distinction, and your Honor
would know more about this than I do.

THE COURT: Go ahead, without being long-winded
about it.

THE WITNESS: No, no, no; I think that, for
example, in Family Court a person is entitled to

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bring an action, or a proceeding, on behalf of somebody, or a child that they feel is being abused and they never alleged that we represent them. You know, this is part of --it's standard --

THE COURT: I know, but Judge Greenfield's Order was very, very specific.

THE WITNESS: No it wasn't, your Honor.

THE COURT: You're prohibited from representing Puccini unless expressly authorized by Mr. Feltman.

THE WITNESS: I never, I never, I never --first of all, at that time nobody knew that they were taking positions opposite to Puccini. But secondly, nobody --I never represented to anybody that I represented Puccini, never did. I still don't.

THE COURT: Go ahead.

THE WITNESS: Okay? I'd like to see a paper where it says, in any paper, that I do represent them. I don't.

THE COURT: Well, these actions that were filed, let's take number 9, Hyman Raffe individually and on behalf of Puccini Clothes. Did you file those papers?

THE WITNESS: Sure. But he has a judgment there,

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he's entitled to --

THE COURT: Judge Greenfield said you couldn't.

THE WITNESS: He did not say that.

THE COURT: You could not represent --

THE WITNESS: That he did not say. He said I could not say I represent them. Now, let me tell you about Judge Greenfield's Order. Because I think it's very, very -- I think it's significant. It may not be significant to your Honor, but it may be significant to the Appellate Division. And may I give a brief recitation as to how that Greenfield Order was obtained?

THE COURT: Again you want to go behind the Orders?

THE WITNESS: No. Because there are two Orders and your Honor only sees one Order.

THE COURT: What other Order is there?

THE WITNESS: There's an Order of the Appellate Division.

THE COURT: To what effect, sir, dated when?

THE WITNESS: About a year, about simultaneously, there were two applications made at the same time. Two applications were made at the same time.

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THE COURT: And?

THE WITNESS: All right? The first one --

MR. STRAUS: If your Honor please, unless Mr. Sassower is going to produce this Order which he's going to testify about --

THE WITNESS: I'll produce it. If I can't find it, I'll subpoena it, okay?

THE COURT: Go ahead.

THE WITNESS: I received papers returnable in the Appellate Division, the exact precise papers that resulted in the Greenfield Order, but I hadn't received --

THE COURT: Dated when? And it referred to your representing Mr. Raffé or Mr. Raffé and Puccini or Puccini?

THE WITNESS: No, it dealt with my representing Puccini. Okay? Now, it'll take me about three or four minutes, but let me put it in the proper context.

We went to the Appellate Division. We worked out an agreement with Sol Sommers at the Appellate Division which was approved by Associate Justice Sandler. That was the end of it, until the follow-

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ing day, or the day after, when I received a duplicate Order to Show Cause, this time signed by Judge Sinclair, which was the precise and exact application which was made to the Appellate Division. And the Order to Show Cause had on it a stay pending hearing and determination which is very unusual in Supreme Court in New York County.

I was in court on the return date; Judge Greenfield was sitting, and when one judge signs a stay pending hearing and determination, it's a waste of time to argue before another judge to vacate that stay. I met Mr. Schneider there, because I couldn't give it to service, I had to bring it personally, and after I gave it to the service, personally I asked Mr. Schneider, "Do you want to go down and have a cup of coffee?"

THE COURT: Mr. Schneider was representing whom at that time. . .

THE WITNESS: Feldman, the --

THE COURT: The Receiver?

THE WITNESS: --the Receiver. He says, "No, I have another case to answer." I said, "Okay." I walked out. Two or three days later I received a

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letter from Mr. Schneider saying that Judge Greenfield has continued the Stay of Judge Sinclair, so I says, "What the heck goes on," you know, in my own mind. I did a little investigating, and I find out that the original papers had a "Stay Pending Hearing," and "Determination" had been stricken. My papers left those two words in. And what Mr. Schneider had done, after I had left the courtroom he had made an application to continue the stay.

As part of this same thing, I had found out that Mr. Feltman had put in, before Judge Greenfield, a three-page Affidavit of Service. I got a copy of that Affidavit of Service, and it was the --as improper - I got it from Judge Greenfield - as improper --it had nothing to do with service; it was just a diatribe. And I really raised a stink, to put in, ex-parte, prejudicial matters on the theory that this was an Affidavit of Service. Judge Greenfield commented upon it, said he would not be prejudiced because of it. But again, this whole matter, this whole Greenfield Order was resolved at the Appellate Division with Judge Sandler. It was the same exact application, a duplicate, word-for-word. What he

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had done was go to the Appellate Division, not tell the Appellate Division that he had the same application pending in Supreme Court, and then went to Supreme Court and didn't tell them about the Appellate Division - had two simultaneous applications. So what're you gonna get? Obviously you're gonna get a slight, well, you're gonna get some varying opinions, because if you give two motions to two different courts at the same time, you're not gonna get exactly the same decision. But when you consider the Appellate Division decisions, or Judge Greenfield, at no time did anyone, any judge I mean, upon seeing all the papers - I'm not talking about just looking at a title - upon seeing all the papers find, or even intimate, Judge, there is not one judge who has even intimated that anything that I did insofar as Judge Greenfield's Order is concerned, is improper. And again, I, I can't bring all of these to you --

THE COURT: You made that position clear. Let's go on from there.

THE WITNESS: And, your Honor, I can't bring you all the papers, but if you pick out random

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cases, titles, I'll bring them to you; I'll show them to you.

But what Mr. Straus is asking your Honor to do is to make a judgment merely by the title, and I say --

MR. STRAUS: If your Honor please --

THE WITNESS: --don't make a decision by the title; look at all the papers and see if I violated the --

MR. STRAUS: First, let me point out to your Honor, if I may, that in evidence as Exhibit 34 is the report of Referee Diamond --

THE WITNESS: Referee Diamond --

MR. STRAUS: If you'll excuse me, Mr. Sassower?

THE WITNESS: Right. In evidence?

MR. STRAUS: Referee Diamond's report was received in evidence as Petitioner's Exhibit 34.

Furthermore, Referee Diamond's report finding Mr. Sassower in contempt of the various Orders of the judges, including Judge Greenfield's, was confirmed by Judge Evans, which is indicated by Exhibit 37 in which he expressly confirmed the Referee's report. So as to the statements as to what my posi-

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tion is, we have maintained, and we continue to maintain, that his violations --Mr. Sassower's violations of these Orders have been found, he has been convicted of criminal contempt, and all of those matters are before your Honor, and Mr. Sassower may not attack the essential elements of those convictions.

So as to whether or not people alleged, or judges found, that he was in violation of court orders, the Referee's report, which was confirmed by Judge Evans, specifically contradicts what Mr. Sassower says my position is. That's why the documents were received in evidence.

THE WITNESS: Mr. Straus, Mr. Straus, Referee Diamond is corrupt, and a thief.

THE COURT: Sir --

THE WITNESS: Wait a second. He has a closed courtroom, your Honor, a closed courtroom, where I am --

MR. STRAUS: Will your Honor instruct Mr. Sassower to halt?

THE WITNESS: I will --

THE COURT: Mr. Sassower.

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THE WITNESS: I will put it on the record --

THE COURT: I know, you already put it on the record.

THE WITNESS: I am prohibited from being there --

THE COURT: Mr. Sassower!

THE WITNESS: Wait a second, let me finish. October 2nd was contrived in his courtroom. He fabricated the whole thing.

MR. STRAUS: Mr. Sassower, you represented to Judge Potoker that no one alleged violations, and no one found you violated them.

THE WITNESS: No judge, no judge.

MR. STRAUS: And Judge Evans confirmed the Referee's report, and Judge Evans is a judge.

THE WITNESS: He sees a book and says, "No fine, no penalty."

THE COURT: But he found you guilty, and he said he confirmed the findings of 63 --

THE WITNESS: No.

THE COURT: What do you mean no; it's yes.

THE WITNESS: I'll tell you what. I'll tell you what. Give me the opportunity --

THE COURT: The fact that he didn't --

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THE WITNESS: No, no, no, Judge.

THE COURT: --fine you or --

THE WITNESS: Judge, Judge, we're over ten years of age, and if you want me, I'll bring you Judge Evans here, and Judge Evans will tell you he never even looked at it. Nobody looks at that --

THE COURT: Sir --

THE WITNESS: How can you have criminal contempt without a trial?

THE COURT: A judge signed an Order, he never saw it, never heard of it?

THE WITNESS: Sure. I'm telling you. They appealed it. I'm not appealing it. Well, I'm appealing --I'm cross-appealing it.

MR. STRAUS: They made a Motion to Renew, to impose an additional punishment of jail, or imprisonment.

THE WITNESS: It was denied.

MR. STRAUS: They haven't in any way contested the findings of the Referee. What you're saying to Judge Potoker is misleading. The Referee sustained 63 of the 64 counts.

THE WITNESS: What do you mean sustained. Was

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I there? Was I given notice? Did I have a trial?

THE COURT: Mr. Sassower, Referee Diamond submitted a report; that report was then confirmed by a justice of the Supreme Court.

THE WITNESS: Judge, you know, what the --hit me on the head. Gilberg against Barbieri. It's like going into the old Magistrate's Court --

MR. STRAUS: Your Honor, please, Mr. Sassower made these retorts enough times --

THE WITNESS: Let's invite Judge Evans here and see if he even looked at it.

THE COURT: We're not going behind Judge Evans' Orders. That's it. The only one that can do it is the Appellate Division.

THE WITNESS: Fine. Send it to the Appellate Division right now.

THE COURT: Continue, sir.

THE WITNESS: But let's understand one thing; I just want to make one statement. There was not a full hearing before Judge Diamond --

MR. STRAUS: Your Honor, objection; he made the same statements twenty times at least.

THE COURT: You already stated that time and

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time again.

THE WITNESS: As long as your Honor understands it.

THE COURT: I understand your position.

THE WITNESS: That's not a position, that's a matter of constitutional law.

THE COURT: Go ahead, sir.

THE WITNESS: Now, let's go back on the chronology now.

THE COURT: Let's get to Judge Riccobono.

THE WITNESS: No, let's go first --let's go first to the Puccini Order. There are two Sinclair Orders.

THE COURT: Yes.

THE WITNESS: Okay. Let's go to Sinclair. In the Puccini case, the dissolution case, which I did answer, if you will look, your Honor, at exhibits -- may I, your Honor?

THE COURT: They're your documents. They're for identification.

THE WITNESS: If you look at "WWW" for identification, there's Barr-1 and Puccini. I answered Barr-1, and Puccini. Judge Sinclair did not dis-

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qualify me in Puccini. . Okay? The decision of the Court does not disqualify me.

MR. STRAUS: Your Honor, I'm sorry, we seem to be at cross purposes. I thought Judge Sinclair disqualified you as attorney for Hyman Raffe. I think --

THE WITNESS: No, he didn't discharge me.

MR. STRAUS: I thought it was Judge Greenfield who barred you from representing Puccini.

THE WITNESS: I'm talking about Judge Sinclair now. Are we finished with Judge Greenfield?

MR. STRAUS: I don't know. I think that Judge Potoker asked you to go to the Judge Riccobono Order --

THE WITNESS: That's afterwards.

MR. STRAUS: I'm sorry; I thought you were confusing the two Orders.

THE WITNESS: No. Judge Sinclair --

THE COURT: Judge Sinclair --

THE WITNESS: --did not, in his decision.

THE COURT: --in Order Number 1 disqualified you from representing Mr. Raffe in this proceeding. He further disqualified you from representing Mr. Raffe and in all other actions or matters wherein

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George Sassower represents an interest adverse to the respondent.

THE WITNESS: Okay. Now, one thing let's get straight.

THE COURT: That's Number 1. Then in Order Number 2 --

THE WITNESS: The guarantee action, Order Number 2.

THE COURT: In Order Number 2, again you were disqualified from representing Hyman Raffee in this action.

THE WITNESS: No, no; as against the third-party defendants. As against the third-party defendants. Look at the Decision, and look at the Order.

THE COURT: That portion of it is crossed out. I don't know --do you have your exhibit? Judge Sinclair's Order Number 2?

THE WITNESS: Call it "the guarantee action," your Honor, so you'll --okay?

MR. STRAUS: Yes, it's limited to --at least that paragraph is, that the respondents order disqualified George Sassower as attorney for Hyman Raffee in this proceeding.

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THE WITNESS: No; as third-party defendant.

MR. STRAUS: --is granted, and Ordered that --

THE COURT: There's a subsequent --

MR. STRAUS: Oh, that --

THE COURT: --and in all other actions or matters wherein George Sassower represents an interest adverse to the third-party, that seems to be stricken.

THE WITNESS: I have never been in any other --

THE COURT: Wait a minute.

Is that stricken on your copy?

MR. STRAUS: Yes it is, your Honor.

THE WITNESS: Whether it was stricken or not, your Honor, and it was stricken --

THE COURT: Now it was stricken?

THE WITNESS: It was stricken. It was stricken. But I want to make it clear that even if it were not stricken, at no time have I taken a position adverse to Puccini, Barr, Dann, or Sorrentino.

MR. STRAUS: It really doesn't matter since it's not in the Order, Mr. Sassower.

THE WITNESS: All right. Now, the guarantee action is again, the switched papers which only disqualified me as to the third-party defendants, and

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only when I acted adversely. I never acted adversely.

The Puccini matter, where I was given notice of the Motion to Disqualify, which I did answer, your Honor, I was not disqualified in the Decision. Okay? That came down the same day, in October of 1981, and I'll bring a copy.

MR. STRAUS: If your Honor please, I object to this recitation. What is the relevance of it? The question is whether Mr. Sassower violated certain orders, and he's again giving you what he calls the "chronology," the whole picture, and in his chronology or whole picture, he includes materials which are not relevant to the charges and which is, again, his attempt to go behind, for the innumerable times, I can't count the number, to go behind the orders. The orders speak for themselves. What does this have to do with them?

THE WITNESS: Judge Lester Evans found that I didn't violate --

THE COURT: We're right back again --

THE WITNESS: I didn't violate it. I didn't violate. Now, if you want me to bring all the papers of Judge Lester Evans, I'll bring them, all the

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papers of Judge Martin Evans, all the papers of Judge Bruce Wright, I'll bring it. But none of these judges, after a full submission, found that I violated it. Now --

MR. STRAUS: Your Honor, objection, again.

THE COURT: Referee Diamond found you violated--

THE WITNESS: He gave me no hearing.

THE COURT: Did he? Yes or no.

THE WITNESS: No.

MR. STRAUS: He did not. Is that what you're stating?

THE WITNESS: I don't even read Referee Diamond's garbage. That's all it is is garbage. Why don't you bring him here? The man is a thief.

THE COURT: Mr. Sassower --Mr. Sassower, all I asked is --

THE WITNESS: I don't read his stuff, okay?

THE COURT: Well, he found you --

THE WITNESS: I don't even --I don't even read it.

THE COURT: His report was then confirmed by Judge Greenfield.

THE WITNESS: Judge Evans.

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THE COURT: Judge Greenfield --

THE WITNESS: No, in Evans' --

MR. STRAUS: Judge Martin Evans.

THE COURT: Judge Evans. I'm sorry.

THE WITNESS: Now, Judge Evans said, I'll confirm it but I don't impose any penalty whatsoever.

THE COURT: But he confirmed it.

THE WITNESS: Oh, c'mon, Judge, I paid a \$2 ticket. Let's be realistic about it. Judge Evans, Judge Evans took --

MR. STRAUS: Your Honor, may we not go through this again?

THE WITNESS: That's Gilberg against Barbieri.

THE COURT: Will you get to Judge Riccobono?

THE WITNESS: That's a phony altogether. I got the letters on it.

THE COURT: Mr. Sassower, that's not going to help you.

THE WITNESS: Judge, I'm telling you the truth. You want to see the documents on it?

THE COURT: Sir --

THE WITNESS: I never violated Judge Riccobono's Order, okay?

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MR. STRAUS: Well the only Order that I'm aware of is Judge Riccobono appointed Judge Diamond.

THE WITNESS: Okay?

MR. STRAUS: I don't know that you would violate an Order appointing Referee Diamond.

THE WITNESS: Before you talk about Judge Diamond, or Referee Diamond, could you open up, your Honor, to Referee --Judge Riccobono's Order?

THE COURT: Yes.

THE WITNESS: Okay? Let's go through it and let's know what we're talking about, okay?

THE COURT: I know what I'm talking about.

THE WITNESS: What did he say. What did he say.

THE COURT: Sir, he just said --

THE WITNESS: No, no.

THE COURT: I have it in front of me.

THE WITNESS: Okay.

THE COURT: Do you want it in front of you?

THE WITNESS: I know it by heart.

THE COURT: You know it by heart. All right. If not, you can have my copy.

THE WITNESS: And correct me, when we uncovered what had been going on - this is by their admission -

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they went to Administrator Riccobono; ex-parte they went.

MR. STRAUS: You mean, Administrative Judge Riccobono.

THE WITNESS: Administrator Riccobono.

THE COURT: He's the Administrative Judge in the Civil Term of the Civil Court of New York County.

THE WITNESS: Yes; all right. Ex-parte they went to Administrator Riccobono, resulting in an Administrative Order - I have to make a distinction between Administrative Order and Judicial Order - an Administrative Order, which was mailed out on April 3rd or April 4th. It says this: --

THE COURT: Well, his Order is dated --

THE WITNESS: March 26th.

THE COURT: --1984.

THE WITNESS: But it was mailed out April 3rd or 4th.

THE COURT: You received it --

THE WITNESS: No, we received it the day after it was mailed out.

THE COURT: Did you file --

THE WITNESS: You can't appeal these things.

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THE COURT: --opposition papers?

THE WITNESS: No, it was ex-parte.

THE COURT: --upon due consideration of the papers submitted in support of and in opposition to the application --

THE WITNESS: There's no opposition. There were no papers.

THE COURT: Go ahead.

THE WITNESS: Let me qualify that for a moment. When I found out that some contact had been made with Administrator Riccobono, I wrote a letter to Administrator Riccobono saying that if the Schneider or the Kreindler firm wanted any relief, they should do it by motion. That's all. Period. No opposition. I didn't know what was going on there. I had found this out through the latrine at 60 Center Street --

MR. STRAUS: Through the what?

THE WITNESS: In the men's bathroom at 60 Center Street. Okay? This Order came out, this Order, Administrative directive - it's not an Order; it's not appealable. Nothing. Okay? Which said --

THE COURT: It's an Order; it says, "...does

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hereby order the following change in case assignment in New York County," and he has that right.

THE WITNESS: Okay. Let's assume he had that right. What does it say about Referee Diamond? It says, "Referee Diamond: All matters which are in Special I other than the Puccini dissolution action, are to go to Referee Diamond to hear and report." Okay? In the Puccini dissolution action, they are to go from Special I to Referee Diamond to hear and determine. Okay?

Is it 4301, your Honor, CPLR? Now, whether you read the Administrator Riccobono Order as it states in there, which it says nothing. First of all, all the parties weren't even given notice of it. Most of the parties never even knew about it. The Attorney General --so it's a question of binding, who it bound and who it didn't bind. In any event --

THE COURT: Were you notified of his Order? You received a copy of it in the mail you said.

THE WITNESS: Yeah.

THE COURT: Did you abide by it?

THE WITNESS: Yes.

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THE COURT: All right.

THE WITNESS: Okay? There's nothing to abide by. It didn't say anything I should do. It said all motions in Special 1. Okay?

4301 I believe is the --I'm sorry, not 43 -- 4313(b) gives the powers of a non-consensual referee. The law is very specific. In fact, the Constitution is very specific. The only one that can make an order is a judge.

THE COURT: That's why Referee Diamond's Order was confirmed by Justice Evans.

THE WITNESS: Okay. Okay. And it gives a referee --and I'm speaking from the top of my head, but his Honor has corrected me - it gives a referee the power to hear matters on a long account, and 2, on a specific cause of action. Okay? Outside of those two incidents --instances, under 43(b) -- 4313(b) --am I right on the section, your Honor?

THE COURT: I couldn't tell you right now.

THE WITNESS: Okay. That's the only powers that a referee has. He certainly does not have criminal powers.

THE COURT: I know, but we're past that.

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THE WITNESS: Okay.

THE COURT: He's not in the picture. He submits a report to the Supreme Court; the Justice of the Supreme Court confirmed. Now it's an Order of the Justice of the Supreme Court, no longer the Order of the Referee.

THE WITNESS: Okay. So let's go one step further. The question is, he doesn't take them through Special 1.

THE COURT: Mr. Sassower --

THE WITNESS: I complied --

THE COURT: --an Administrative Judge of a court has a right to take any part he wishes to hear any matters --

THE WITNESS: But Judge, he didn't; he didn't. I'm telling you. It says here motions that are in Special 1. And that's the only powers that Referee Diamond has. Period. Period. Now, Referee Diamond, who believes he's heir apparent to Adolph Hitler --

MR. STRAUS: If your Honor please, can we --

THE WITNESS: Why don't you bring him here?

THE COURT: We don't need Referee Diamond here; we have Judge Evans' Order.

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THE WITNESS: Fine. Then let's have Judge Evans here.

THE COURT: You don't need him here, you have the Order. The Order speaks for itself.

THE WITNESS: Judge, Judge, first of all, it's on appeal. Okay? Secondly --

THE COURT: It's on appeal because number 1 is that the attorneys for the Receiver want you to be sent to jail, which Justice Evans failed to do. You're appealing that portion of that, right? You cross-appealed --

THE WITNESS: Let me ask you something, because it's in my Affidavit.

THE COURT: You're going over it and over and over and over.

THE WITNESS: It's in my Affidavit. The Constitution of the United States of America says that you can't be sent to jail --

MR. STRAUS: Your Honor, I object.

THE WITNESS: --without a --

THE COURT: So the Appellate Division will deny or dismiss the appeal. So what's the --I just-- let's go on to Justice Hughes.

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THE WITNESS: Okay. Judge Hughes, all right.
Justice Hughes' Order --

THE COURT: Justice Hughes' Order of December 17,
1984, in which you were enjoined and restrained
pending the determination of the motion for a per-
manent injunction from --

THE WITNESS: Never violated it.

THE COURT: --instituting any additional pro-
ceedings, or serving any additional claims or
amended complaints pertaining to Puccini without
leave of the court.

THE WITNESS: May I look at what you're read-
ing from?

THE COURT: From this, the charges.

THE WITNESS: You were reading the charges?

MR. STRAUS: Yes. It's Exhibit "J," attached
to the Petition.

THE WITNESS: I just want to make sure that
you read it correctly.

That's wrong.

THE COURT: What's wrong, the way I read it?

THE WITNESS: What they say on there.

THE COURT: But I read it correctly.

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THE WITNESS: You read it correctly. Okay.

THE COURT: Go ahead.

THE WITNESS: Judge Hughes' Order is the usual Order to Show Cause granting a stay pending a hearing. Okay? It is not pending a determination. And if somebody would show me Judge Hughes' Order, I will show it to them.

THE COURT: Here, I'll show it to you right here.

THE WITNESS: And even if it did say it, it was modified by Judge --

THE COURT: Here (handing).

THE WITNESS: May I?

THE COURT: Yes, go ahead.

THE WITNESS: Because I never saw "hearing and determination" --oh, it's crossed out. See, your Honor?

MR. STRAUS: Yes, it's crossed out. It says, "pending the hearing."

THE WITNESS: Right. Okay.

MR. STRAUS: Are you disagreeing with yours?

THE WITNESS: No. Your complaint says "pending determination." That's wrong.

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MR. STRAUS: My complaint?

THE WITNESS: What the judge just said.

THE COURT: This is the exhibit.

THE WITNESS: Judge, you read "determination,"
didn't you?

THE COURT: Number 4, page 7 of the pleadings,
by order of --

THE WITNESS: No.

THE COURT: Page 8, by Order of Justice Hughes,
respondent was enjoined and restrained pending the
determination of the motion for a permanent injunc-
tion from instituting any additional proceedings or
serving any additional claims or amended complaints
pertaining to Puccini without leave of Court.

THE WITNESS: The complaint is wrong.

THE COURT: In what respect?

THE WITNESS: It was wrong because the Order
itself enjoins pending a hearing. It makes no pro-
vision as to what happens after a hearing. Once
there's a hearing, that temporary restraining notice
is a nullity.

THE COURT: Did you have a hearing?

THE WITNESS: Yes.

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THE COURT: When?

THE WITNESS: December 19th, 1984.

THE COURT: Before whom?

THE WITNESS: Before Mr. Justice Gammerman.

THE COURT: And what happened before Judge Gammerman?

THE WITNESS: Judge Gammerman very specifically, now let me get my papers.

THE COURT: The Order dated January 23rd, 1985.

THE WITNESS: Pardon me?

THE COURT: His Order was dated January 23rd, 1985.

THE WITNESS: No, what he did --it was a temporary restraining order until the hearing, which was December 19th.

Now, let me tell you what happened on December 19th. Because Judge Hughes --I did nothing between the time Judge Hughes signed his Order until December 19th. On December 19th, there's no more Judge Hughes Order. So that's out.

Do you have the minutes, Mr. Straus, of December 19th?

MR. STRAUS: No, I don't have any minutes.

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THE WITNESS: Aha, I have it. Okay. I think it's Exhibit "T." It's marked for identification, your Honor. I don't know which number it is off-hand. Oh, "F." "F."

THE COURT: "F?"

THE WITNESS: Yes. Okay. Now, let's see what Judge Gammerman did.

Now, I'm going to say what Judge Gammerman did, but I want it very well understood that he had no jurisdiction over the Attorney General by concession; he had no jurisdiction over D'Amato and Lynch, by court order, and it's quite clear from the minutes itself he had no jurisdiction over Hyman Raffe. But even forgetting all that, what Judge Gammerman did --

THE COURT: In any event, you submitted Affidavits, is that right?

THE WITNESS: No.

THE COURT: Yes. "...and upon Affidavits of George Sassower" --

THE WITNESS: They never took it.

THE COURT: December 19th, 1984, with exhibits annexed thereto, in opposition to the motion.

THE WITNESS: Right, but Judge Hughes I did not

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violate. Judge Hughes I couldn't violate. Judge Hughes' Order expired December 19th. That answers your questions. If you want me to go further, I will.

MR. STRAUS: Mr. Sassower, may I just ask you a question, if I may?

THE WITNESS: Yes.

MR. STRAUS: On page 6 of Judge Gammernan's Order, first paragraph, "This Court, having rendered an oral decision on December 19, 1984 granting the motions and extending the temporary restraining orders contained within the Orders" --

THE WITNESS: Did not.

MR. STRAUS: This is what the --

THE WITNESS: It did not.

MR. STRAUS: Sir, are you saying that didn't happen?

THE WITNESS: It didn't happen. Here's the minutes.

MR. STRAUS: I'm just trying to clarify --

THE WITNESS: I wrote a letter --let me just try to explain, your Honor. This is very important. I wrote a letter to Mr. Straus on January 22nd.

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I had caught Gerstein and Schneider and got confessions out of them as to what happened. All right? I got witnesses. I got --I practically got it on videotape. That is made up. Of course they put it in there. But here are the minutes. He tried to put that in without the minutes of the Court, and if you want to bring Bernie Dickheiser here, who's the Chief Clerk of the Court, he can confirm it.

Here are the minutes. Judge Hughes' Order expired on December 19th. On December 19th Judge Gammerman only enjoined --it's right in the minutes -- only enjoined the bringing of an action --I'm sorry, didn't enjoin that. He only enjoined the continuation of the action against the law firms. Nothing else. In the end of the transcript, and it's only thirteen pages including a title, when they tried to extend it beyond the law firms, Judge Gammerman cut them short; nope, it's only the law firms. To make it really emphatic, he also says in this thirteen pages, which includes the title page, he says --

THE COURT: Mark it for identification.

THE WITNESS: It's "T" --it's number --I just mentioned it, "F."

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THE COURT: "F," yes. Minutes.

THE WITNESS: Right. --he says, as to the other defendants, other than the law firms, "Make your motion to dismiss." It's in the minutes.

MR. STRAUS: If your Honor please --

THE WITNESS: Wait a second.

MR. STRAUS: --I object.

THE COURT: Then subsequently Judge Gammernan entered an Order.

THE WITNESS: No, no; between --

THE COURT: Did he?

THE WITNESS: Yes.

THE COURT: Okay.

THE WITNESS: Okay. But between December 19th and January 23rd, the only stay in effect was as against the law firms, and the stay was only in effect for cases that were pending, not for anything in the future. So that in February, if the Kreindler firm wanted to throw me down an elevator shaft, it didn't prohibit subsequently arising cases. It only stayed the action against the law firms then existing. That's clear.

Now, to make sure about that, your Honor, by

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happenstance --

MR. STRAUS: If your Honor please, I'm going to again object.

THE WITNESS: I have the minutes.

MR. STRAUS: I'm going to object to the --on the grounds of relevance of what Mr. Sassower is attempting to produce. We have an Order which is in evidence.

THE WITNESS: I don't have an Order.

MR. STRAUS: Will you allow me, Mr. Sassower?

THE WITNESS: You made allegations --

MR. STRAUS: The Order is initialed in various places, it has been crossed out in various places, and it was signed. And as far as this hearing, it is an Order which must be regarded as valid.

Within that Order there are on at least two occasions a statement made by the judge in his Order that the Order of Judge Hughes had been extended on December 19th, 1984, which has always been our position, and we offer as evidence of that the Order itself.

Mr. Sassower again is attempting to go behind an Order to demonstrate to you that the Order didn't

Sassower - direct

say what it said, and didn't mean what it meant.

THE COURT: One thing at a time.

You concur that Judge Gammerman extended the --

THE WITNESS: No. On January 23rd --

THE COURT: --the injunction beyond December 19th?

THE WITNESS: No.

THE COURT: All right. We'll recess for lunch.

2:15. We'll pick it up there.

THE WITNESS: Your Honor, make it 2:35. Oh,
I have to be in New York --

THE COURT: Hold the record.

(Whereupon there was an off-the-record discussion.)

THE COURT: All right, 2:15.

(Whereupon the hearing was adjourned for luncheon recess until 2:15 P.M.)

* * * * *

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A F T E R N O O N S E S S I O N

THE COURT: All right. Let's continue.

G E O R G E S A S S O W E R , having been previously duly sworn, resumed the witness stand and continued testifying as follows:

THE WITNESS: Your Honor --

THE COURT: Yes.

THE WITNESS: --if you allow me briefly to do it chronologically, you'll see not only did I comply, but I over complied - over complied - scrupulously over complied. Okay? Because what you have to do is, one, reconcile Judge Schwartz' Order with Judge Greenfield's Order and understand what my obligations are as an attorney.

Now, the one thing that - and I'm just speculating - that seems to elude your Honor is that Raffe was entitled to one hundred percent. I'm not interested in Puccini per se; I don't care about Puccini, except that Raffe was to get one hundred percent indemnification from Puccini. So no matter what Kreindler and Relkin got against Raffe, Raffe gets one hundred percent indemnification. Therefore the safety and security of Puccini is of interest to my

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client. So if Kreindler and Relkin would get a judgment of a million dollars against Raffé, as long as Puccini has the million dollars, I don't have to worry, because he's getting paid, he's being indemnified. But if somebody steals from Puccini, or their rights are not protected, in order to protect Raffé I have to protect Puccini.

Now, if you look at Schwartz' Order, your Honor, Schwartz' Order permits Raffé to intervene. Why does it permit Raffé to intervene? Because he has a substantial interest in Puccini. Thereafter, I personally got a judgment from Puccini, so that I am interested, I have a vested interest pursuant to the Constitution of the United States besides 1012 of the CPLR. So therefore, Schwartz' Order, which I said I didn't object to - I loved Schwartz' Order - Schwartz' Order says, "Yeah," recognizes, "you have an interest in Puccini."

MR. STRAUS: If your Honor please --

THE WITNESS: Okay.

MR. STRAUS: Mr. Sassower testified to all of this on his last appearance. Could we possibly go on to new subject matter?

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THE WITNESS: Okay, okay, I'm gonna.

Now, when it came to February 1, 1982, when the new Receiver was appointed, there was no doubt in my mind - and I will show you documents after I go through the analogy - there was no doubt in my mind that Kreindler and Relkin and the Arutt firm were stealing. Okay? I have no evidence, no hard evidence, but I had no doubt about it. On February 1, 1982, the new Receiver was appointed, and I was very happy, because I figured the new Receiver would get

MR. STRAUS: If your Honor please, again, I'm going to object to Mr. Sassower reviewing the same testimony.

THE WITNESS: No, I'm --

MR. STRAUS: He gave all this testimony at his last session.

THE WITNESS: I didn't. I went up to the disqualification, I didn't go up to '82. Now I'm in '82, okay? In 1982 --because your Honor asked a question.

THE COURT: You were up to 1985 before lunch.

THE WITNESS: No, you shot me ahead. You let me skip two years.

Sassower - direct

THE COURT: Because you ramble on.

THE WITNESS: No, no, you have to understand what I did. Because I did something here which Mr. --probably Mr. Straus doesn't even know about. Two things, and if you want me to come down to the bottom line, number one, what I did was openly --and was in consultation with two members of the Grievance Committee. Okay? That's the first thing.

The second thing, when there was some question in my mind, I wrote to the bar association, and I said, "Here's a man," Raffe, because I knew I was up --I know what league I play in --there came a point where I knew I am playing ball with people completely out of my league, so I wrote to the bar association. I wrote to the bar association.

THE COURT: I know, but that has nothing to do with specific orders of justices of the Supreme Court.

THE WITNESS: Let me tell you, these are pertinent, because if I consult with people, with judges, with members of the Grievance Committee, who know the orders, who know the facts, and who issue orders, and I want to show you Judge Evans' Order.

Sassower - direct

Let's --but jumping ahead --

THE COURT: You already went through Judge Evans' Order.

THE WITNESS: Judge, let me convince the Appellate Division. Judge --I gave up hope of ever convincing your Honor, and I'm being frank with your Honor. Let me put it on the record.

THE COURT: You can't put the same thing on the record time and time again.

THE WITNESS: I have not, your Honor. I went from 1981 to the disqualification motion, to the papers on it, the switching of papers. Now when it came 1982 and Feltman became Receiver --

THE COURT: Do you have any proof of switching of papers?

THE WITNESS: Sure, here's the original papers.

THE COURT: All you handed me was a Decision and an Order. That has nothing to do with it.

THE WITNESS: I will swear this is the motion that I got in the mail. This is the one I got in the mail. Okay?

THE COURT: This is part of it. That's only the first page.

Sassower - direct

THE WITNESS: I'll give you the other --

THE COURT: I don't need it. It's in evidence.

THE WITNESS: It is not.

THE COURT: Whose Order is this?

THE WITNESS: That is a Notice of Motion.

THE COURT: A Notice of Motion?

THE WITNESS: That's what I received in the mail. I answered it.

THE COURT: And the Court subsequently --

THE WITNESS: No, on a different case. They switched papers on me; I never answered this case.

THE COURT: What did you do about the switching of the papers?

THE WITNESS: That's going over to 1982 now.

THE COURT: We're in 1986. What did you do about switching of the papers.

THE WITNESS: You jumped ahead.

THE COURT: Well, you haven't done anything in the last four years, assuming --

THE WITNESS: Who says so, your Honor?

THE COURT: What did you do?

THE WITNESS: Well let's get to it, your Honor, give me a chance.

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THE COURT: Sir, I've been giving you chances --

THE WITNESS: Judge, you haven't. Judge, if you don't want to listen --do me a favor, let me talk here. I will not be offended if you walk out. I'll put it on the record and I'll make my plea to the Appellate Division. I can represent my case my way, your Honor, by chronologically. If you don't want to understand or listen --

THE COURT: Sir, we were in 1985; now we're back in --

THE WITNESS: You got me to '85, and he's screaming about '85. Let's talk about '82. You asked me what did I do. I'll tell you what I did.

THE COURT: What did you do.

THE WITNESS: In 1982 I got the Order, or the papers, and recognized there was a switch about a month later, give or take a couple of weeks. And I made a motion to renew. Now, at the time I made my motion to renew, I did not have all the facts. As soon as I found that there was a switch --first I thought it was an innocent switch. I mean, I just, you know, maybe there was a mistake in the papers, maybe something along that line. When I made my

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motion to renew and said, "This is the papers I got, and this is the papers that your Honor decided" --

THE COURT: And?

THE WITNESS: Wait a second. Something --a few things happened. The squawking seemed to come from the Feltman firm.

THE COURT: Sir --

THE WITNESS: Wait a second.

THE COURT: Was the Order ever resettled?

THE WITNESS: Yes and no. Now you take me to '85. You want to take me to '85? Take me to '85. But I'm on '82.

THE COURT: In '82 was the Order resettled.

THE WITNESS: I'm in '82.

THE COURT: What happened?

THE WITNESS: I'll tell you. I didn't get all these facts all at once.

THE COURT: Mr. Sassower, you say you got the copy of the judge's order a month later?

THE WITNESS: Something like that.

THE COURT: You looked at it, you said to yourself, "Wait a minute, that's not the" --

THE WITNESS: It didn't happen that way. It

Sassower - direct

1
2
3 didn't happen that way. . You know what happened? I
4 looked at the Order and I didn't understand it. I
5 went down --and I looked at my papers, and I didn't
6 see how a judge could come to that decision. So I
7 happened to be in the County Clerk's office; I looked
8 at the papers in the file and I said, "Something is
9 wrong here." I don't answer, I mean I know how I
10 answer papers. I go back home and I looked at the
11 papers again, and they make sense. I go to the
12 County Clerk's office, they don't make sense. I
13 did this about three or four times, and I said,
14 "What goes on here?" I made a photostatic copy of
15 the papers I had, the papers that were in the court
16 that the Court decided, and I see the switch. Okay?
17 By that time other things came forward.

18 MR. STRAUS: If your Honor please, I'm going to
19 object.

20 THE WITNESS: You want to know --

21 MR. STRAUS: If your Honor please, if in fact
22 all of these activities that Mr. Sassower described
23 resulted in the Order being set aside, vacated, re-
24 versed, modified --

25 THE WITNESS: Why don't you being Diamond here,

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that crook. Why don't you bring him here?

MR. STRAUS: I take that to mean nothing happened to the Order.

THE WITNESS: That's not true. That's not true.

THE COURT: Mr. Sassower, we want to know.

THE WITNESS: I will tell you.

THE COURT: You keep saying --

THE WITNESS: I'm sorry, it's a three-hour picture, you gotta wait for four hours; I'm sorry, your Honor. Judge, I say you don't want to listen. You don't allow me to subpoena or cross-examine. This guy doesn't bring vital witnesses, he tells the men he brings in to bring their records at home, and your Honor doesn't want to listen to a whole story.

THE COURT: I have patiently listened to --

THE WITNESS: You have not been very very patient.

THE COURT: Sir, we're up to 1985.

THE WITNESS: I am in 1982.

MR. STRAUS: Again, if Mr. Sassower has any --

THE COURT: He doesn't have any; I've asked him that several times; you've asked it several times.

THE WITNESS: Here it is. Why don't you call Marty Evans here? Why don't you call Judge Danzig

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here?

THE COURT: For what purpose? Judge Evans' Decision speaks for itself.

THE WITNESS: Because they changed their minds. They see the fraud here.

THE COURT: He confirmed the Referee's report.

THE WITNESS: He did, huh? Maybe you want to look at the Brief and see there was pressure put on Marty Evans for it. They even wrote to the Administrative Judge. They had the audacity to put into the Brief --

THE COURT: Who is "they?"

THE WITNESS: Schneider. --that we had to go, we had to communicate with the Administrative Judge.

Why would Judge Evans refer to Diamond --

MR. STRAUS: Your Honor, this is all extrinsic --

THE WITNESS: Bring him here.

THE COURT: Mr. Sassower!

THE WITNESS: You want to hear about --

THE COURT: I don't want to hear.

THE WITNESS: You don't want to hear? Let me put it on the record.

THE COURT: You already did.

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THE WITNESS: No.

THE COURT: I don't want to hear '82.

THE WITNESS: You don't want to hear '82 --

THE COURT: Unless you have Orders countermanding --

THE WITNESS: I'll show you, your Honor; we're still in the Appellate Division on this thing.

THE COURT: So as of this moment, they have not been --

THE WITNESS: No, they haven't.

THE COURT: Okay. So we don't have Orders countermanding --

THE WITNESS: They have been countermanded. You know why? Because if your Honor would think for a moment, your Honor would know that the statute provides for civil contempt. Criminal contempt you can forget about, okay? For civil contempt you're liable for \$250, plus damages. If you get hit for \$250, that means you have not impaired or prejudiced the rights or remedies --

THE COURT: I know. But you're forgetting the other part of Judge Evans' Order in which he confirmed the provision of the 63 --

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THE WITNESS: There's a Constitution of the United States, do you understand that? There's a Constitution --

MR. STRAUS: If your Honor please, I object. Mr. Sassower is saying --

THE WITNESS: All right.

MR. STRAUS: Apparently --

THE WITNESS: All right.

MR. STRAUS: --what Mr. Sassower is saying is he doesn't have the evidence which he claims to have.

THE WITNESS: Why don't you look at what --Judge Wright looked at Referee Diamond's report, and why don't you read what Judge Wright wrote about it.

THE COURT: But the only judge who confirmed the report and had anything to do with it was Judge Evans, and you keep citing Judge Evans because he only fined you \$250.

THE WITNESS: He didn't fine me nothing on this last Order. How many times in twenty-one years on the bench have you ever seen a Referee's report turned down.

THE COURT: When was it turned down? It was confirmed by Judge Evans.

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THE WITNESS: And he said, "No fine." Now, here's what Judge Evans said. Okay?

MR. STRAUS: Is this an exhibit?

THE WITNESS: I don't know.

MR. STRAUS: Well I'm going to object to Mr. Sassower reading from something unless it is in evidence.

THE WITNESS: Fine. I'll put it in evidence.

MR. STRAUS: If it's in evidence, there's no point to reading it.

THE WITNESS: I'll mark it in evidence, Judge Evans.

THE COURT: Which Evans?

THE WITNESS: Marty Evans.

THE COURT: Do we have that in evidence?

MR. STRAUS: I don't know which one he's referring to.

THE WITNESS: April 15th --April 5th; I'm sorry. I mean, you want to listen to the story? I mean --

MR. STRAUS: No, I don't think --I'm objecting because I don't want to hear a story.

THE WITNESS: Maybe the Appellate Division

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wants to hear it, why don't you put it --

MR. STRAUS: Stop shouting, Mr. Sassower.

THE WITNESS: C'mon. What a deceitful guy,
c'mon --

THE COURT: Mr. Sassower, you're going haywire.

THE WITNESS: I want to put my testimony on.

THE COURT: I'm presiding here, and you'll do
it my way, or not at all. Now I'll terminate the
hearing as of this moment if you continue this way.

THE WITNESS: I offer this in evidence, April 5th.

THE COURT: Let me look at it. I'll identify
it first. Well, we're up to four letters now,
Respondent Exhibit "AAAA."

(Whereupon document is duly marked Respondent's
Exhibit "AAAA" for identification.)

THE COURT: What date is that, Mr. Sassower?

THE WITNESS: April 5th, your Honor.

THE COURT: April 5th, 198--

THE WITNESS: '5.

THE COURT: Judge Martin Evans?

THE WITNESS: Right.

MR. STRAUS: If your Honor please, I must ob-
ject for the simple reason that this in no way

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advances any claim which Mr. Sassower is making.

This is a Decision referring the one remaining issue pertaining to Mr. Sassower, or directing that he should seek appropriate relief by a motion addressed to Judge Sinclair.

THE WITNESS: Why don't you read the whole thing, the whole part of that, Mr. Straus?

MR. STRAUS: Let me finish, Mr. Sassower.

THE WITNESS: Don't you know how to read straight?

MR. STRAUS: Mr. Sassower --

THE COURT: Mr. Sassower!

THE WITNESS: C'mon; c'mon, your Honor, please! I had enough after this Thursday's affair.

MR. STRAUS: In view of the fact that this refers, or indicates that some matters should be referred to Judge Sinclair, and that this is in no way the criminal contempt referred to Referee Evans -- Referee Diamond, excuse me, which we know about because we have the Referee's report --

THE WITNESS: Does he have jurisdiction?

MR. STRAUS: I'm not contesting jurisdiction, Mr. Sassower.

THE WITNESS: I am.

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MR. STRAUS: And I think Judge Potoker has ruled many, many times that it's not his function. So therefore, this being a preliminary decision in which we have the final Order and Decision, this would be totally immaterial. It would make no difference at all.

THE WITNESS: It also says something else. May I read it, please?

MR. STRAUS: I object to its receipt in evidence.

THE WITNESS: It says here --

THE COURT: Yes?

THE WITNESS: -- "...to the extent that respondent Sassower asserts that there may be a distinction between the literal reading of the disqualification order of Mr. Justice Sinclair and the intent of Mr. Justice Sinclair....," it refers to Judge Sinclair. Judge Sinclair was in the hospital.

THE COURT: So what happened?

THE WITNESS: Well, I'm telling you.

MR. STRAUS: Well that's the point, your Honor. Unless --

THE WITNESS: Your Honor knows nothing about

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it, because you've probably never seen it. Papers being destroyed, papers being mis--

THE COURT: Mr. Sassower!

THE WITNESS: Okay? Hijacked.

THE COURT: All you're doing is making --

THE WITNESS: You want evidence?

THE COURT: I don't want, the District Attorney is looking for evidence.

THE WITNESS: Fine. There's ways of proceeding. I'm doing it my own way, your Honor.

THE COURT: I know, but if it's not relevant to the proceeding before me --

THE WITNESS: It is relevant.

MR. STRAUS: It's clear --

THE WITNESS: Maybe the Appellate Division will think so. So let me make my record, your Honor, please.

MR. STRAUS: I'm going to object to Mr. Sassower doing what he calls making a record. He's made the same record to the point where we must believe that the needle is stuck.

THE WITNESS: Oh, come on.

MR. STRAUS: There's no point to repeating

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yourself over and over. It's clear that if --

THE WITNESS: Do you want to hear about '82?
About Judge Stecher's Order which overruled Judge
Sinclair's?

THE COURT: Sir, if the Orders are still in
effect, they're still in effect. I cannot do any-
thing about it.

THE WITNESS: Fine. I'm saying Judge Stecher's
Order is also in effect which in effect overruled
Judge Sinclair. Okay? And Judge Sinclair recognized
Judge Stecher's Order when he made --

THE COURT: And he did what?

THE WITNESS: What?

THE COURT: And he did what, did he modify his
own Order then?

THE WITNESS: It was, it was denied; it was
disregarded completely. Now, let me tell you what
Judge Stecher did in October --

MR. STRAUS: I'm going to object unless
Mr. Sassower has something.

THE WITNESS: --in this proceeding.

THE COURT: What was before Mr. Justice Stecher.

THE WITNESS: Okay. Mr. Justice Stecher had

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before him a motion by the Receiver to relieve the Receiver of his default. Judge Stecher --

THE COURT: When was this?

THE WITNESS: Mid-1982.

THE COURT: And did you prepare that proceeding?

THE WITNESS: I prepared the papers.

THE COURT: Who did you represent?

THE WITNESS: Raffé, even though I was disqualified. I mean, there was no real protest about it, because everybody recognized that it was a phony at this point.

THE COURT: You said you represented Mr. Raffé even though you were disqualified?

THE WITNESS: I wasn't really disqualified --

THE COURT: You just said so.

THE WITNESS: I prepared the papers; I prepared the papers. Okay? But this is a broad brush, because you don't want to hear the details.

THE COURT: But were you disqualified at that time?

THE WITNESS: No, no, I never was disqualified.

THE COURT: Then you're admitting it, you --

THE WITNESS: I was never disqualified.

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THE COURT: Sir, you were the one who used the words, "Even though I was disqualified."

THE WITNESS: No, I was never disqualified, okay? I never was disqualified, to this day. And you can ask almost every judge in the Supreme Court, New York County.

THE COURT: But you were the one who said it, not me.

THE WITNESS: Okay. You're taking words out of context. I was never disqualified; period.

THE COURT: All these court orders meant nothing?

THE WITNESS: United States against Throckmorton means something also.

THE COURT: Go ahead, sir.

THE WITNESS: Judge Stecher found --

MR. STRAUS: I'm going to object unless Mr. Sassower has the Order. I don't accept Mr. Sassower's representations as to what judges said. I think that if there was an Order, we should have the Order.

THE WITNESS: Okay; fine. I ask your Honor to ask Mr. Schneider to bring a copy of that book and

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I'll see if it's in the part --

THE COURT: Mr. Sassower, you said that you prepared the papers so --

THE WITNESS: No, it's on a record on appeal. The Schneider firm appealed it.

Judge, do you understand that papers were left behind, Raffe's, that Postell still has my papers?

Have you got an Order, October 9th, 1982?

THE COURT: October 19, 1982?

THE WITNESS: October 9th, 1982.

MR. STRAUS: If it's not in evidence we don't have it.

THE WITNESS: Okay, I'll bring it from my car the next time. I have a couple of copies of it.

Let me just summarize. It was a four-page decision which the Schneider firm appealed. Everybody things that I did all these appeals; it was they who were doing it also. In sum and substance --

MR. STRAUS: I'm going to object, your Honor. The Order will speak for itself.

THE COURT: He's going to the conclusion now.

THE WITNESS: The conclusion was that anything that Raffe paid to the plaintiffs he was to be fully

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indemnified by Puccini, and also two-thirds contributions from Dann and Sorrentino.

MR. STRAUS: Your Honor, please --

THE WITNESS: Wait a second. You can take judicial --this was affirmed on appeal by the Appellate Division in a decision, 97 A.D. 2d --

MR. STRAUS: It's not necessary. I object to this whole --we've been through this whole --it has nothing to do with the charge.

THE COURT: The question is whether or not you had a right to represent --

THE WITNESS: Yes, and I'll tell you why. Because this was what was argued later on.

THE COURT: When was it argued later on.

THE WITNESS: In 1983 --in 1984, before Judge Evans, and Judge Evans was down, when he realized what was happening, right down the line with me. And Judge Lester Evans, right down the line. And Judge Wright, right down the line. And Judge Danzig, right down the line. I mean, I'm not just putting my opinion here, I'm putting judges', and I'll show you Orders, and show you recognition of that fact.

MR. STRAUS: You keep saying that.

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THE COURT: I haven't seen one Order yet.

THE WITNESS: I'm in 1982, your Honor, I'm in 1982.

THE COURT: Do you have any Orders here?

THE WITNESS: '82, your Honor. I'm sorry, I like to do it so you understand.

THE COURT: Do you have any Orders of 1982, other than the ones that have been received in evidence?

THE WITNESS: Just Judge Stecher's Order.

MR. STRAUS: Obviously Judge Stecher's Order is not relevant to this proceeding. The fact that Mr. Raffe was ordered indemnified has nothing to do with whether Mr. Sassower violated the court orders.

THE WITNESS: No, no, no, because the court orders say --

THE COURT: We don't have the orders here.

Let's go on. You'll bring it here the next day.

THE WITNESS: I have it in the car right now. I just didn't bring it --you know, I can take just so much.

THE COURT: Where do you leave your car here?

THE WITNESS: In the parking lot.

Sassower - direct

THE COURT: I thought you left it on the street, and the next thing you'll say is that they hijacked your car.

THE WITNESS: Judge --your Honor, that's uncalled for.

THE COURT: If they steal your car, all your papers are gone. I'm trying to help you.

THE WITNESS: Your Honor, if somebody breaks in my house and they steal my word processor, I'm also lost. I told you I have problems.

THE COURT: All right. Let's continue.

THE WITNESS: Let me get it for you, your Honor, since you asked.

THE COURT: Do you have it here?

THE WITNESS: I probably have it.

You know, they conveniently leave it out on every one of their appeals, and all their correspondence; that's the distorted record.

MR. STRAUS: I take it you don't have it?

THE WITNESS: I have five copies in the car, all right?

THE COURT: All right. You don't have it here.

THE WITNESS: Right.

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THE COURT: You'll have it here the next session.

THE WITNESS: I will have it here in ten minutes if your Honor wants to declare a recess.

THE COURT: Mr. Sassower, you want to adjourn at five minutes to 4; we started today's session --

THE WITNESS: All right. And it was affirmed in an opinion at 97 A.D. 2d. So you can read the opinion of the Appellate Division.

THE COURT: It was affirmed, the indemnification --

THE WITNESS: Right.

THE COURT: --nothing to do with your right to represent Mr. Raffé at that time.

THE WITNESS: It's implied in it, Judge. I'll tell you why.

THE COURT: But no specific reference either way?

THE WITNESS: No.

THE COURT: Let's go on from there.

THE WITNESS: Because what the decision says --

THE COURT: Okay.

THE WITNESS: What the decision says is, what-

Sassower - direct

ever Puccini's interests are, that's Raffe's interest, and therefore I cannot be adverse to Puccini if I'm with Raffe. Okay.

Now, the second point you have to remember also, that Judge Schwartz' Order is still in existence, which gives me the right to represent Raffe as an intervenor. That, I was never disqualified for.

THE COURT: Mr. Raffe disqualified you personally.

THE WITNESS: No, he didn't.

THE COURT: He said, in January of '85 he told you not to represent him anymore.

THE WITNESS: Judge, do you want to give me a subpoena?

THE COURT: In July he sent you a letter; in November of '85 --

THE WITNESS: Judge, that's baloney.

THE COURT: You heard him testify under oath.

THE WITNESS: What?

THE COURT: You heard him testify under oath.

THE WITNESS: Do you want me to tell you that Referee Diamond is selling decisions? Selling deci-

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sions.

THE COURT: I'm talking about Mr. Raffe.

THE WITNESS: Right; that's who he sold the decision to. Do you want to see it?

You don't want to know about these things; you want me to go to the DA's office. I'll tell you, your Honor, and your Honor can go, or Mr. Straus can go.

There's one honest guy that's practicing law in the City of New York. Okay?

THE COURT: Who is that, me?

THE WITNESS: That's me. Okay? There are others, but right now --and you can call up the Ninth Judicial District, you can call up Stecher, Evans - I can give you a hundred judges - judges.

THE COURT: Nobody is accusing you of being dishonest, we're accusing you of violating court orders.

THE WITNESS: I didn't violate any orders of the court.

THE COURT: That's your position. The Grievance Committee feels otherwise.

THE WITNESS: With this moral leper? He'll say anything.

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THE COURT: Is that a nice thing to say?

THE WITNESS: Yes, it is. After what I had in the Ninth Judicial District, I mean, I had fine gentlemen.

MR. STRAUS: Judge, can we go on with this proceeding?

THE WITNESS: I had really fine gentlemen.

MR. STRAUS: Do we really have to listen to this trash?

THE COURT: Strike the word "trash."

MR. STRAUS: I have to sit here and be called names?

THE COURT: Mr. Sassower, if you don't have anything else to say, I'll adjourn it.

THE WITNESS: I'll go as long as you want; I'll go for days.

THE COURT: Only relevant matters, otherwise I'll excuse you from further testimony.

THE WITNESS: Fine.

1982, okay? 1983 --

THE COURT: You're through with '82, right?

THE WITNESS: One more point.

THE COURT: We're not going back.

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THE WITNESS: One more point; one more point.

THE COURT: Go ahead with the one point.

THE WITNESS: Okay? Every judge in every courtroom that I was in in 1982, after February, allowed me to go in there, allowed me to speak, particularly after the Stecher Order, allowed me to do everything. Okay? They all knew about the Order, they all... well, in any event, there was nothing secret, there was nothing hidden; it was open, and it was accepted. Every judge, without any exception.

1982, 1983, Harry Katz, who worked for Mr. Raffe, as in-house counsel, okay? He pretty much took over as Raffe's nominal representative. Okay? I went to court, saw what he did, watched what he did, went into chambers with him. Everybody knew that I had an interest in Puccini, that I represented Puccini as far as the Schwartz Order, and pretty much everybody accepted that the Sinclair Order --

MR. STRAUS: Your Honor, I object and move to strike. Can he testify to things that happened?

THE WITNESS: I'm telling you.

MR. STRAUS: He's testifying to the state of other people's minds. Can we have a straightfor-

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ward --

THE WITNESS: Sure. I was in Judge --always in Judge Grossman's robing room the five or six times I was there, I was in Judge Dontzin's robing room during the proceedings, I spoke; they knew about it.

THE COURT: You were there as an onlooker or as legal representative of Mr. Raffé or Puccini Clothes?

THE WITNESS: Well, I'm gonna do this in a broad, I mean, don't take this too literally. If Mr. Katz, or any judges wanted any information as to the particulars and wanted a pretty straight answer, they would always ask me, and that worked in 1984 with Judge Danzig, and even --

THE COURT: In what capacity were you consulted?

THE WITNESS: If there was any factual information, if there was any legal information, I always went in.

THE COURT: Is that because at one time you did represent Mr. Raffé or Puccini?

THE WITNESS: It depended --not really --yes and no. Because what happened here was --

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MR. STRAUS: Your Honor, unless Mr. Sassower --
I'm going to object.

THE WITNESS: I'm answering your question, okay?

MR. STRAUS: I'm objecting, unless Mr. Sassower
is making a representation that all of these judges
were allowing him to appear as the attorney for
Raffe, Puccini or --what is the relevance of the
testimony? That they allowed him in the courtroom?

THE WITNESS: Let me explain. Obviously I
can't talk about what other people think, except
what they express. I was representing Raffe --

THE COURT: When.

THE WITNESS: From day one to the end.

THE COURT: What do you mean by "the end?"

MR. STRAUS: Even to this day?

THE WITNESS: Absolutely.

MR. STRAUS: You're representing Mr. Raffe?

THE WITNESS: Yes.

THE COURT: He said that the other day.

THE WITNESS: According to the decisions of
the Appellate Division, this Department. It's like
wartime. Until you're relieved, you stick by your
post. I want to tell you something, I want to tell

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you something. I was once substituted, pretty much at my request, and didn't show up at a criminal --

THE COURT: That's not what the case held, the case you asked me to read.

THE WITNESS: Not as that part. But I want to tell your Honor --

THE COURT: That was a case where they were ready to settle and they bypassed the attorney of record; they worked out the settlement without him. That's the only case you referred to me.

THE WITNESS: I want to tell your Honor, I want to tell you, when I'm on a criminal case, when I'm substituted, I don't take that substitution until I go to court and the judge says, "Mr. Sassower, you are relieved," and there have been times when I've had the judge say, "Mr. Sassower, you stay on. I don't care about a substitution of attorneys." Okay? So until a court order says --

THE COURT: Please.

THE WITNESS: Okay.

THE COURT: Judge Schwartz, September 11, 1980, you were relieved as counsel in certain proceedings pertaining to Puccini, and you were directed to

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turn over your legal files pertaining to the proceedings.

THE WITNESS: Look at the last paragraph. I think it's the last paragraph.

THE COURT: I said --

THE WITNESS: You're looking at his complaint, his complaint; he doesn't know how to read.

THE COURT: Who doesn't know how to read?

THE WITNESS: Mr. Straus.

Look at the Order, look at the original thing, your Honor. That's what I look at.

May I please?

THE COURT: Yes.

THE WITNESS: Surely. I told you I was happy with it. The last Order; here. Last paragraph, I'm sorry.

We were happy with it, we didn't appeal. Kreindler and Relkin appealed that. That order is still in effect.

Your Honor asked me a question, and I'm gonna try to answer you briefly; to the extent that it's brief, it may be somewhat innacurate. If we were before the court, your Honor, follow me.

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THE COURT: I'm still looking at this paragraph. That refers --

THE WITNESS: Follow me for a second, your Honor, because I think this will straighten it out, your Honor?

THE COURT: Yes, just one moment.

THE WITNESS: If we were before your Honor, for example, on Barr-1 and Barr-2, just let's take a hypothetical example. I was always the attorney for Raffo on Barr-1, right? Assuming, arguendo, that I was disqualified in Barr-2, and by the way, Mr. Gerstein testified --

MR. STRAUS: Judge --

THE WITNESS: Wait a second. Mr. Gerstein testified that the same documents involved in Barr-1 are involved in Barr-2. The only difference between Barr-1 and Barr-2 was the amounts and the alignment of the parties. So everybody recognized that if I'm disqualified in Barr --if I'm not disqualified in Barr-1, there is no reason to be disqualified in Barr-2. This everybody recognized. Now, if we had--

MR. STRAUS: I object and move to strike what everybody recognizes.

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THE WITNESS: They all said --

MR. STRAUS: Would you please direct Mr. Sassower to give some relevant testimony --

THE WITNESS: Yes, I will.

MR. STRAUS: --so we can move forward.

THE WITNESS: So if I was before Judge Danzig, for example, on Barr-1, or any judge --

MR. STRAUS: I object. You testified to all of this three times, for at least two hours.

THE WITNESS: I never said this. Your Honor said, "in what capacity."

If I was before a judge and the issue before the judge was Barr-1 and Barr-2, well, you know, since I was the most authoritative one, there was no way of asking me a question and saying, "Mr. Sassower, you're answering the question as far as Barr-1, but not as to Barr-2." It was the same case. Okay? Now, when you come later on and how we got --by the way, all these cases were not started by me, they were started by the other side. To understand the other cases you have to understand what happened --

THE COURT: You say, "all the cases," the ones

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in Schedule 1?

THE WITNESS: Right. Right. I didn't start any cases. Barr-1 was started, Barr-1 was started by Kreindler and Relkin; Barr-2 was started by Kreindler and Relkin; Puccini was started by Kreindler and Relkin. I started one little case because Judge Lane, in his decision said, and if you'll read his decision of June, 1980, he says, "Your counterclaim should be in a separate action." So I brought it as a separate action. That's all --and one other little case. Forget about it, it was nothing in nothing. It was more to find out what was going on here. I didn't start any cases, until 1984, and that's why you have to know the history.

So that in 1982 and 1983, although Mr. Katz took over, when there was any questions to be asked-- they used to call up; they didn't ask for Harry Katz, they asked for me. I was knowledgeable on it. When Schneider --Schneider used to call up almost every-day, never asked for Raffé, never asked for Katz, always asked for Sassower. Gerstein? Always asked for Sassower. When it came to serving papers if I was in court, Schneider used to serve me on behalf

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of Raffé. Gerstein used to serve me on behalf of Raffé. No question about it. In the Appellate Division, if they had to serve Raffé they served me; they spoke to me; they recognized me. This is besides what the judges did. Okay? And if the files were here from court you would see the Affidavits of Service they served on me on behalf of Raffé, even though I was so-called disqualified, because it really did not exist.

Now, in 1982 --

THE COURT: What didn't exist? The orders existed. Whether anybody paid attention to them is another matter.

THE WITNESS: All right. I don't agree with your Honor's characterization, but let's leave the characterization --

THE COURT: My characterization is based upon the testimony you just gave.

THE WITNESS: Okay.

THE COURT: They all called upon you for help, guidance, and everything, all purpose; all papers served upon Raffé were served upon you --

THE WITNESS: Right.

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THE COURT: They were recognizing that you were still the attorney.

THE WITNESS: Right. Now, in 1983 --no, in 1982, when the so-called perjurious affidavits were submitted by --well, certain things began to show up, okay? If you stepped on Kreindler's feet, Schneider used to yell, and if you stepped on Arutt's feet, Kreindler used to yell, and they were supposedly on opposite sides.

In 1983 --1982, no question about it, at the end, I said, "Those affidavits were perjurious. They are --and you guys are in on it." In contending they were perjurious, I was helping out Puccini as well as Raffe. Schneider served me with a criminal contempt motion and served Raffe with a criminal contempt motion contending --now, before I make the next statement, let me just preface it by one thing: he contended we were in criminal contempt. This proceeding lasted from the end of 1982 'til January of 1984. So over the two-year period there were days when he used to send in more papers, and more documents, and more allegations. So by the time the two years had elapsed from 1982 --it was 1982? Yeah,

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to 1985, it was two full years. By the time the two years had elapsed, he had contended everything; that we had violated the Hammurabi Code, and anything else after that. So he probably threw in the Schwartz Order and the Greenfield Order, and everything else. And Judge Evans --and this was strictly a criminal contempt proceeding.

THE COURT: Initiated by --

THE WITNESS: By the Schneider firm.

THE COURT: As counsel for the Receiver?

THE WITNESS: Right. And my contention before Judge Evans was, this is criminal contempt; I want a trial. I want to put these guys on the stand to find out why they should complain about me helping Puccini. Okay?

THE COURT: That matter was referred to Referee Diamond.

THE WITNESS: No, that stayed with Marty Evans right along. This went on for two years.

THE COURT: From when to when?

THE WITNESS: It started around October of 1982 and ended January of 1985.

THE COURT: What happened?

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THE WITNESS: So two years, they're saying I'm in criminal contempt. And I said, "Look, I want a trial. That's all. I want to see why these guys are yelling. First of all, in my opinion, I did not violate anything, and even if I did violate anything, why should you be complaining if I'm helping Puccini?" In 1985 --oh, and consistently I said, you know, it shows up that they're in cahoots with the other firm, and I want a hearing; it's a criminal contempt.

THE COURT: What happened.

THE WITNESS: In 1985, no hearing, no nothing. Judge Evans found me in civil contempt, which I never even defended. I really never defended civil contempt. Because I was fighting a criminal charge. And since there was no damage, he found me --fined me for 250 bucks.

One thing, in all the papers that were submitted by the Feltman firm, and they were joined in by the Kreindler firm and the Arutt firm, they all joined in, no place --

THE COURT: What did counsel for the Receiver charge you in the criminal contempt? Criminal con-

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tempt for what reason, based upon what conduct?

THE WITNESS: Everything. Everything. He threw in the kitchen sink. In a two-year period, I don't recall what the initial papers were, but in the two-year period, he, like the letters he wrote to Straus, everything. Okay?

THE COURT: And Judge Evans found you --

THE WITNESS: No.

THE COURT: --with a finding of civil contempt?

THE WITNESS: I never met the issue of civil contempt.

THE COURT: On what ground?

THE DEFENDANT: What?

THE COURT: On what did he base the decision?

THE WITNESS: Nothing. What happened was, and if you want to, you can strike it if you want to, Judge Evans never had --Judge Evans never had civil contempt before him. I never answered civil contempt before him. He had a stack of papers that were a foot high, and I'm not hiding anything; I know Judge Evans very well.

MR. STRAUS: Your Honor, please, what is the relevance of a civil contempt which is not charged

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to this proceeding. Now that we've been --

THE WITNESS: I was acquitted.

MR. STRAUS: You were acquitted of something with which you're not charged here. What is the relevance?

THE WITNESS: If I'm acquitted here, how can I be convicted of the same charge. That's double jeopardy.

MR. STRAUS: Right. And if you raised it on appeal, it would have been set aside.

As Judge Potoker said at least a dozen times, the conviction stands.

THE WITNESS: No, wait a minute.

MR. STRAUS: May we move on, Judge Potoker?

THE WITNESS: In all these proceedings --

THE COURT: All right, it's over with.

THE WITNESS: All right. In '83, in 1983, I was always in court with Katz. I won't say always, most of the time. And the same situation prevailed in '83. And throughout '83, you know, we saw Judge Evans every once in a while; he had a conference with us in '84, and he says, Sassower is doing nothing wrong. Okay? And none of the judges thought I

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was doing anything wrong.

MR. STRAUS: Objection. Move to strike.

THE WITNESS: Okay.

THE COURT: Objection sustained.

THE WITNESS: Okay. In 1983 --'82, and this is what precipitated the whole thing, Feltman --we were charged with larceny of judicial trust funds, which is a little more serious charge than he --we were charging, or, I was charging --

THE COURT: As whose representative were you charging?

THE WITNESS: I was, I was charging as a representative of my own representative, because I had an interest in Puccini. I had a judgment against Puccini by the way, your Honor. Okay? Secondly, I had, I was Raffae's representative in Barr-1, and he was getting indemnification in Barr-1, and I was representative of him in the third-party action where --when he had a case out in Nassau County.

So when, when, when your Honor says as what representative, it's like trying to --it's vegetable soup. I mean, you can't pull out the ingredients, they were so mixed up, one from the other. Barr-1

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and Barr-2 are exactly the same. I was in on one, out on the other. How do you get in and out. It was impossible. So the clerks --you know, everybody treated it as a nullity, even in the Appellate Division.

Now, I'll show you this very well, your Honor. In every case in the Appellate Division, I was recognized, even on Barr-2. Okay? On the 78 Proceedings - every one. Now, with one little conviction. Okay? One little conviction. In 1982, I was yelling larceny. No question about it in my mind.

MR. STRAUS: Judge, I'm going to object at this point. Can we please direct Mr. Sassower to give testimony with respect to the charges? He has been all over the proverbial lot and doesn't do anything with respect to the charges against him.

THE WITNESS: I said --

MR. STRAUS: He's talking about everything but.

THE WITNESS: I'm saying every judge; every judge.

MR. STRAUS: That's exactly the point - it's irrelevant.

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THE WITNESS: Since 1982 --it's irrelevant?
I'll say every judge since 1982, including the Appel-
alte Division, didn't recognize the Sinclair Order
for what your Honor thinks it says, or thought it
says. Because everybody said, unanimously, there
is only --

MR. STRAUS: Objection. Hearsay.

THE WITNESS: There's only one way an attorney
can violate --

THE COURT: When did they say it?

THE WITNESS: Throughout, from 1982 to 19--

THE COURT: Show me one --

THE WITNESS: Judge Martin Evans, April 5th.
He says --look, there's --judge when a man finds
you --look at April 5th, what he says there. But
unfortunately, I couldn't go back. Now, you have to
understand Diamond's rules, what happened in the
rules. You know who violated Judge Riccobono's
administrative order?

MR. STRAUS: Your Honor, please, I have no
doubt that Mr. Sassower can keep talking for a year --

THE WITNESS: Fine.

MR. STRAUS: --probably on any number of sub-

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jects, but if he's not confined to the questions, he probably will, because obviously he's never going to come to grips with the charges. He'll tell us what everybody said, thought, or believed, but he won't deal with his own conduct, which is what he's supposed to deal with on this examination.

THE COURT: Let's go.

THE WITNESS: Okay. So 1983, 1984, I was recognized.

THE COURT: Now get to '85.

THE WITNESS: '85, when Judge Martin Evans threw out the criminal contempt, okay? And imposed upon me only, not Raffae, civil contempt of two-fifty, I never really, I had never even argued civil contempt. In fact in my application to Judge Evans, I said, "No, Judge, I don't want civil contempt, even without a fine. I want criminal contempt so I can get a trial." But I was not going to appeal two-fifty. I was waiting for them to appeal, because I'm not going to pay \$2,000 for a record to save \$250, as a practical matter. Particularly when it's my client's money, not my money.

So on January 4th, when I was vindicated of

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criminal contempt --

THE COURT: You were not vindicated of --

THE WITNESS: Vindicated of criminal contempt.

THE COURT: The judge held you --

THE WITNESS: In two hundred fifty bucks. All right. Three days later, okay?

MR. STRAUS: That's vindication?

THE WITNESS: Not guilty. It's --not guilty is vindication.

MR. STRAUS: I see.

THE WITNESS: That's the only way the criminal law operates. They don't give you medals, they just said not guilty. Am I right, your Honor?

THE COURT: Go ahead.

THE WITNESS: Three days later --now I'm skipping by the Gammerman Order, okay? Three days later, I made a motion --I made the motion a little before; I made a motion to vacate Judge Sinclair's Order. Okay? Everybody agreed --

MR. STRAUS: Objection.

THE WITNESS: I'll show you the papers.

MR. STRAUS: I'm not interested in what everybody thought, Mr. Sassower, nor do I believe that

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Judge Potoker is.

THE COURT: All right. What was the result?

THE WITNESS: It was decided in my favor.

THE COURT: And Judge Sinclair's Order was vacated by whom?

THE WITNESS: By Judge Danzig. Judge Sinclair was in the hospital.

MR. STRAUS: Uh-huh.

THE WITNESS: I'll bring it to you.

MR. STRAUS: I believe it's in evidence, your Honor, because I believe it was reinstated approximately --it was stayed two days later, and was reversed by the Appellate Division.

THE WITNESS: It was not reversed by the Appellate Division.

MR. STRAUS: We have the documents in evidence, Mr. Sassower.

THE WITNESS: I'll show it to you. I'll show it to you, all right?

MR. STRAUS: They're in evidence, you don't have to show them to me.

THE WITNESS: Then learn how to read them right.

MR. STRAUS: You mean read them in the language

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that you would like to translate them into. Swahili, perhaps?

THE WITNESS: You'll see what the Appellate Division said was exactly what I said.

THE COURT: I'll look at it.

THE WITNESS: Okay.

THE COURT: See where --

THE WITNESS: But you have to understand what happened to, to, to --

MR. STRAUS: I only see --the document is Exhibit 14, your Honor. Apparently my language and Mr. Sassower's --it says, "It is unanimously Ordered that the Order so appealed from be, and the same hereby is reversed on the law, the facts, and in the exercise of discretion, and the motion is denied. Appellant shall recover of Respondent \$50 costs and disbursements of this appeal." So once again Mr. Sassower was vindicated.

Your Honor wants to see --

THE WITNESS: Why don't you read the decision.

MR. STRAUS: That's the decision, sir.

THE WITNESS: It says, "Disqualification was removed."

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MR. STRAUS: That's in evidence.

THE WITNESS: But you have to understand --read the decision. Okay? The disqualification was removed. There was no disqualification.

You don't know the facts. If you learned the facts you'd come up with a clean case. But you don't do your homework, Mr. Straus. And his Honor comes to a decision before he hears the evidence, you know, so it's, you're a great combination.

THE COURT: You know, the whole world is out of step, except you.

THE WITNESS: No, no, Judge. I listen first, and then I come up with a conclusion. And when I make a mistake, I'm the first one to admit it. Okay?

THE COURT: The only admission you made was about an hour ago, in which you said, and then you withdrew it in a hurry when I called it to your attention, what you said --

THE WITNESS: No, don't take words out of context. You go rush, rush, rush.

THE COURT: I don't rush.

THE WITNESS: And how you do, your Honor. And how you do. If you want to be precise, I can be

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precise.

THE COURT: I hoped you would be.

THE WITNESS: I am precise.

THE COURT: Up to this point you have not done so.

THE WITNESS: You want to go in five years in ten seconds, and it can't contradict anything you made up your mind about.

THE COURT: (Perusing a document) The same considerations apply to relief sought on behalf of this attorney, namely, the vacature of this disqualification.

THE WITNESS: Now let's read it like lawyers, okay? Let's read it like lawyers. Would you mind, your Honor, having a little more knowledge of this case? Let's not look like laymen.

THE COURT: Go ahead. You're looking at Petitioner's Exhibit 14 in evidence.

THE WITNESS: Okay.

THE COURT: Who represents the Respondent in this case? Sir --

THE WITNESS: Would you just --

THE COURT: --read the decision.

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THE WITNESS: Who represents the Respondent?

THE COURT: Where is your name?

THE WITNESS: It's not there. Okay.

THE COURT: Why isn't --

THE WITNESS: If you ask why, I'll tell you. If you don't ask why --I'll put it on the way I --

THE COURT: Sir, you were the one that referred to the decision in the Appellate Division.

THE WITNESS: Will you let me finish?

THE COURT: Now you tell us that the Appellate Division vacated Judge Danzig's --

MR. STRAUS: He didn't refer to the decision of Judge Danzig --

THE WITNESS: Wait a second!

MR. STRAUS: Just a slight omission, your Honor. The reversal is really --

THE WITNESS: Why don't you stop it, all right?

MR. STRAUS: I wish I could stop it, Mr. Sassower, but unfortunately you're still testifying.

THE COURT: Go ahead, Mr. Sassower.

THE WITNESS: This decision recognizes what everybody always said - that the disqualification was not against the plaintiff, but the disqualifica-

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tion was against the third-party defendants, insofar as any prejudice of them is concerned.

The third thing, if you think about it --

What are you laughing about!

MR. STRAUS: Continue, Mr. Sassower, if you're able to.

THE COURT: You're looking at me; I don't know how you can turn around and see --

THE WITNESS: The third thing you have to think about is, where did the Appellate Division get jurisdiction in this case, because Kreindler and Relkin were not an aggrieved party as this decision recognizes. Okay? But I just gave that. There was no jurisdiction. But the real point is, what happened on January 7th, and I was there, and I will show you the records. The only, the only opposition to the conviction of --or, the removal of this paper-disqualification was that we didn't get the approval of Referee Diamond. That was the only contention. Nobody, and that is when represent --Judge Danzig said, because they were all saying it at that time, and I don't have to listen to what Referee Diamond says, and about his rules. And it was about that

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time that Judge Evans started rejecting Diamond's rules, Judge Blinn rejected Diamond's rules, Judge Shorter rejected Judge Diamond's rules - they all were. Okay? Up to that point, we could never get back to Judge Sinclair before he took ill. It was not a matter that it was denied on the merits, or anything like that. He wouldn't let us get the permission of Judge Sinclair, and when we did get permission of a judge, do you know what? The papers were lost; they were destroyed. That goes with Judge Wallach's papers, that goes with Judge Lane's papers, that goes with other papers. Whole motions were destroyed. Okay? They went through Diamond's courtroom - destroyed. Okay. So when you say we didn't get it, it doesn't mean that papers did not disappear. It's all records; I'll show you docket books, I'll show you notations; they go to Diamond - Wallach's Order, which disqualified the Schneider firm because they didn't comply to the 6624 was referred by Judge Wallach in October of 1984, went up to Diamond's room, pursuant to Riccobono's Order, disappears. The motion to vacate the judgment in Barr-2 got opposition papers in the confession by

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the Kreindler and Relkin firm that their Affidavits that they submitted in 1981 and '82 were perjurious, disappeared.

THE COURT: Are you stating that all the papers disappeared except those which tended to indict you for misconduct?

THE WITNESS: Judge, I want to tell you something: Take my hand, I'll walk you down to the County Clerk's office. I'll show you the record book; I'll show you, your Honor, there is not one set of papers coming out of the Diamond courtroom, with one exception that recently came down relating to somebody else, in eighty percent of the cases, if not ninety percent of the cases, the whole motion is not there. In every other case all the papers are not there.

MR. STRAUS: Your Honor --

THE COURT: I'm telling you.

MR. STRAUS: At this point may I object to Mr. Sassower --

THE COURT: Mr. Sassower --

THE WITNESS: Call up Judge Wallach.

MR. STRAUS: Mr. Sassower has no evidence to

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offer with respect to the charges --

THE WITNESS: I'm answering; his Honor asked a question; he said, "Why don't you get it modified." I'm telling you what happened. You don't want to believe me. Walk down with me, I'll show you.

THE COURT: The end result is, you did not get any of these Orders modified.

THE WITNESS: Yes, yes.

THE COURT: The Orders are still in effect.

THE WITNESS: No, they're not.

THE COURT: You're still representing Mr. Raffae because there's no court order --

THE WITNESS: No, we're talking about the charges, we're going in a different direction.

After July, after what happened with the incarceration --in know what happened, your Honor doesn't. I think your Honor does, but you want to stick your head in the sand.

THE COURT: He didn't send me a letter, he sent it to you.

THE WITNESS: Never sent it to me. Because I know what happened at that time. And I have a witness to that fact.

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MR. STRAUS: Your Honor, at this point --

THE COURT: Will the witness be here to testify?

THE WITNESS: Who?

THE COURT: You said you have a witness.

THE WITNESS: Sure. I got five witnesses, but I won't bring four of them because --

MR. STRAUS: --I have an application.

THE COURT: You bring the witnesses here Tuesday and let them testify, because you're going over and over and over --

MR. STRAUS: If your Honor please, I have one application to make. Mr. Sassower, in view of the fact that he is testifying in narrative form, it is totally impossible to restrict the scope of his testimony. He wanders all over the place and testifies to whatever he feels is appropriate.

I would ask your Honor to direct Mr. Sassower to testify with respect to each charge in order, so that we will know --

THE COURT: I have attempted to do so, and I got him up to '85.

THE WITNESS: No, you dragooned me through, and I then went back.

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MR. STRAUS: Mr. Sassower, let me finish, please.

There are two: one, either he testify in response to questions put to him by himself so that I can make an objection --

THE WITNESS: Fine.

MR. STRAUS: --or he testify on specified subject areas, one at a time, preferably by charge, going through the charges.

THE WITNESS: No, no, no.

MR. STRAUS: Now it is impossible to make objections timely to the type of testimony which Mr. Sassower has offered because he wanders and meanders all over the place.

THE WITNESS: Oh, I do not.

MR. STRAUS: Your Honor, I would ask that you make a ruling on my application.

THE WITNESS: Let me just make one point, okay?

THE COURT: Yes.

THE WITNESS: One point. By the way, by the way, have I violated orders? I try to take the easy way out.

MR. STRAUS: Judge, can we have a ruling on this, first?

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THE COURT: You're all over the lot.

THE WITNESS: Okay. We're down to '83.

MR. STRAUS: No, I want Judge Potoker --

THE COURT: Down to where?

THE WITNESS: '84.

THE COURT: We're up to '84.

MR. STRAUS: Your Honor, will you indicate to Mr. Sassower the way in which he would be directed to proceed so that you can regulate the testimony?

THE COURT: I had attempted to, and did, on several occasions and discussed --

THE WITNESS: In 1984 --

MR. STRAUS: Mr. Sassower, wait a minute, the judge is speaking.

THE WITNESS: I'm sorry, I thought you wanted to recess now, but --

THE COURT: It's twenty-five to. You wanted to leave here at five to.

THE WITNESS: I'm sorry, I thought you said recess.

THE COURT: We're up to '84.

MR. STRAUS: Your Honor, the problem with that is, you mention a year, and Mr. Sassower testifies

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to everything that happened in the particular year.

THE COURT: '84 we're already --you've already testified about --

THE WITNESS: No, I didn't.

THE COURT: Sir --

THE WITNESS: I didn't testify to '84.

THE COURT: Yes, you testified as to the part Judge Riccobono played in this proceeding. You testified --

THE WITNESS: I didn't tell your Honor about Cook, the Appellate Division. Let me start with '84, okay?

THE COURT: You told us about --you testified about Referee Diamond, you testified about Justice Hughes --

THE WITNESS: Judge, let me do it my way, please. '84 --

THE COURT: We're up to Judge Gammerman.

THE WITNESS: No, it's '84 --

THE COURT: We're up to Judge Gammerman.

THE WITNESS: You can't understand Judge Gammerman unless we come to '84.

THE COURT: You've already testified with re-

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spect to '84.

THE WITNESS: I did not testify as to '84, which is a vital year.

MR. STRAUS: The problem is, your Honor --that's exactly the point. Mr. Sassower testified --

THE WITNESS: Do you want a question answered?

MR. STRAUS: --to the events of the year as though he's Life Magazine or something; he's going to review the year for us.

Could he be directed to place his testimony in the context of a charge, and a paragraph of the Petition --

THE WITNESS: Yes.

MR. STRAUS: --so we might know what it is he might testify to?

THE COURT: Do you have the charges in front of you?

THE WITNESS: I know them by heart.

THE COURT: Let's go on. Justice Gammerman's Order.

THE WITNESS: You cannot, because I have to talk about '84 before you can understand Judge Gammerman's Order.

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THE COURT: With respect to what?

THE WITNESS: With respect to Judge Gammerman's Order.

THE COURT: Go ahead. Just with respect to Judge Gammerman's Order.

THE WITNESS: Then when I go to '85 --

THE COURT: Now, sir.

THE WITNESS: Okay. In 1984 --

MR. STRAUS: Could you have Mr. Sassower resume the witness stand?

THE COURT: You're walking around; you're liable to go through the window.

THE WITNESS: I was falling asleep, your Honor. I haven't slept, your Honor, what do you want from me. Oy. .

In 1984, we walked into Judge Diamond's --Referee Diamond's office on April 4th, 1984. We had just left Judge Evans' chambers a few minutes before. In fact we were told after we leave the conference with Judge Evans - when I say "we," I mean the Kreindler firm, the Feltman firm, the Arutt firm, myself, and Mr. Raffe were there, also - and it was after that conference that we went to Referee Diamond's office

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which was on the fifth floor.

MR. STRAUS: Judge, Judge, objection. Would Mr. Sassower get to Judge Gammerman's Order?

THE WITNESS: I am. You can't understand Judge Gammerman's Order until you hear about Referee Diamond.

MR. STRAUS: And I'm objecting to the fact that you think the world can't be understood unless you describe it.

THE WITNESS: Sir, the way you draw up a Petition, without one minute of your own work in it, nobody can understand it.

THE COURT: Mr. Sassower, you already testified that Referee Diamond violated your constitutional rights, and then his report was confirmed by Judge Evans --

THE WITNESS: That's two years later. That's two years later. You're mixing up the dates.

1984 --

MR. STRAUS: Objection. Judge Gammerman promulgated an Order in January 23rd, 1985.

THE WITNESS: Fine.

MR. STRAUS: And Mr. Sassower is charged with

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violating the Order, which means --just a minute, Mr. Sassower. --if the Order was promulgated on January 23rd, 1985 and he's charged with violating the Order after January 23rd, 1985, of necessity, in order to respond to that charge, he must start subsequent to January 23rd, 1985.

THE WITNESS: I didn't violate it.

MR. STRAUS: If he didn't violate it, that would also occur after the Order was promulgated.

THE WITNESS: But I'm also charged with violating Referee Diamond's Order.

MR. STRAUS: But we're dealing with Justice Gammerman's Order.

THE WITNESS: But I can't deal with --

MR. STRAUS: Can we deal with Justice Gammerman's Order?

THE WITNESS: I have to deal with Referee Diamond.

THE COURT: We're all through with Referee Diamond.

THE WITNESS: I didn't hear a charge. Is there a charge that I violated Referee Diamond's Order?

THE COURT: Yes.

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THE WITNESS: Okay. I want to answer that.

THE COURT: You're in continuing violation of the previous orders disqualifying, enjoining, and otherwise restraining you from attending all proceedings conducted before Special Referee Diamond from which you had previously been removed as attorney.

THE WITNESS: And what's the charge?

THE COURT: That's part of the entire Charge 5; you engaged in professional misconduct.

THE WITNESS: I went into Referee Diamond's chambers. Okay? Immediately, that day or thereafter, he recognized me completely. Notwithstanding Judge Sinclair's Order, I was recognized in there. In fact, a few times he said, "He's helpful in here. I want to have him in here."

The first day we were there, only partially, he said, quote, "My ground rules are that," --and I'm condensing it, "My ground rules are that before making a motion, ask for a conference." In making this testimony, I'm condensing the first two conferences together. I said to Referee Diamond, --your Honor?

THE COURT: Go ahead.

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THE WITNESS: I said to Referee Diamond, in sum and substance, "I have no objection to that, except as long as it does not preclude my right to appeal, to make a formal motion." And his response to that was somewhat equivocal, okay?

We had a proceeding at that time in the Appellate Division, and Dave Cook represented Referee Diamond.

THE COURT: Mr. Sassower, you testified to that earlier today.

THE WITNESS: No, no, this was a different one, this is a different representation, okay?

I expressed on the record that since he has an attorney, you know, let Dave Cook come there also, because I don't want to speak to a client when he has an attorney. And whenever I had a problem, I would take it up with Dave Cook who was his lawyer, which I thought was proper.

Dave Cook and I, after I gave him the cases, came to the agreement, understanding, that no matter what Referee Diamond said, I had a right to make a motion, based upon new facts. Because you must understand, between November and March all this evi-

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dence of larceny was on the table, no question about it, and it was documented.

THE COURT: Mr. Sassower, the question was, and still is --

THE WITNESS: Yeah?

THE COURT: --did you have a lawful right to be there, speaking for Mr. Raffe or Puccini Clothes.

THE WITNESS: Yeah, I'll show you the minutes. He was talking to me as Raffe's representative.

THE COURT: But there were Orders, outstanding Orders, barring you, and disqualifying you.

THE WITNESS: I'm telling you, he called me up as Raffe's representative. I didn't call him up. I think I called him up once, later in the game. Whenever I had a problem with Referee Diamond --

THE COURT: Let's go on.

THE WITNESS: Okay. Wait a second, this is important.

MR. STRAUS: I object. You make a ruling and he says, "Wait a second."

THE COURT: It's the same testimony you gave earlier.

THE WITNESS: No, this is the Sinclair matter,

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this is something --other matter.

THE COURT: We were talking about Diamond.

THE WITNESS: Right, that I violated his Order.

So whenever I had a problem with Referee Diamond, since he had a lawyer, I would speak to Dave Cook. On this one point of --no. Riccobono's Order was very specific. It told --

MR. STRAUS: Objection, your Honor. Objection.

THE COURT: We're talking about Referee Diamond.

THE WITNESS: Right, okay. So I --I went to Dave Cook within a couple of --

THE COURT: You told us that.

THE WITNESS: No, this is --I was there a hundred times. I went to Dave Cook and I said, in sum and substance to Dave Cook, who's a lawyer, "Diamond keeps" --

THE COURT: He's with the Attorney General?

THE WITNESS: Right, Assistant Attorney General.

I said to Dave Cook, "This guy keeps changing his mind, 'Do it this way,' he wants it that way; everything." I says, "Dave" --Dave said, "I can't do" --

MR. STRAUS: Objection. It's called "hearsay"

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Mr. Sassower and --

THE WITNESS: I'll bring him in here.

THE COURT: He's not Referee Diamond's attorney.

THE WITNESS: Yes, he is.

THE COURT: No, no; unless Mr. Diamond asked that he represent him in a certain proceeding.

THE WITNESS: Yeah, yeah.

THE COURT: So he's not his attorney.

THE WITNESS: No, no, no, Dave Cook, if --if the judge does not ask for representation, he doesn't give it. Dave Cook --

THE COURT: They're not permitted to --

THE WITNESS: I'm just saying.

So in order for Dave Cook, or the Attorney General to represent anybody --

THE COURT: Let's go on to Referee Diamond. Are we all through with him?

THE WITNESS: No. Dave Cook --

THE COURT: When are we going to get through with Referee Diamond?

THE WITNESS: Judge, please, you watch a lousy television show for an hour, you can listen to me

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for an hour.

I started an Article 78. I started an Article 78 --

MR. STRAUS: If your Honor please, I object to this. There are charges --hold it, Mr. Sassower, I know you can shout.

THE COURT: Mr. Sassower, I can't keep up with your testimony, it doesn't flow properly.

THE WITNESS: Okay. You're rushing me.

THE COURT: No I'm not.

THE WITNESS: You're not rushing me, no.

THE COURT: I'm trying to keep you --

THE WITNESS: I'm talking about Diamond. I'm talking about Diamond.

MR. STRAUS: Your Honor, please.

THE WITNESS: I'm talking Diamond.

MR. STRAUS: There are two paragraphs within Charge 5. They allege, for Mr. Sassower's edification, since he doesn't have it, "6: Referee Diamond directed that all applications to reargue and renew must be brought by Order to Show Cause signed by the judge who had made the original determination, and that all other motions must be preceded by a pre-

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motion conference with the special referee."

THE WITNESS: Fine.

MR. STRAUS: "7" --hold it Mr. Sassower!

THE WITNESS: I know what the charge says.

MR. STRAUS: I want to read it into the record.

THE WITNESS: No, you got it into the record.

Judge, I want to tell you about the charge -
it's made of baloney. Let me tell you why.

MR. STRAUS: Then respond to it, Mr. Sassower.

THE WITNESS: I will respond to it.

MR. STRAUS: That's all I'm asking.

Paragraph 7: "By a ruling of Special Referee
Diamond, dated September 26, 1984, a copy is annexed
to Exhibit 1, Respondent was held to be in contempt" --

THE COURT: "...annexed to Exhibit I...".

MR. STRAUS: "I," I'm sorry, "Respondent was
held to be in continuing violation of the previous
orders disqualifying, enjoining and otherwise re-
straining him, and was ordered barred from attending
all proceedings conducted before Special Referee
Diamond from which he had previously been removed
as attorney."

THE WITNESS: This is garbage.

Sassower - direct

MR. STRAUS: Then answer the allegation.

THE WITNESS: I am; I'm telling you; I want to tell you.

MR. STRAUS: Mr. Sassower --

THE WITNESS: You don't want to listen. You want to listen to --

MR. STRAUS: Your Honor, will you direct Mr. Sassower to stop shouting.

THE COURT: The court reporter here is --

THE WITNESS: Let me tell you my story. Don't believe the garbage he put down on paper because he put it down.

THE COURT: Mr. Sassower --

THE WITNESS: Let me tell you what happened.

THE COURT: But you're not telling me.

THE WITNESS: Then listen.

THE COURT: I've been listening for --

THE WITNESS: You're mixed up with Sinclair.

THE COURT: I didn't mention Sinclair.

THE WITNESS: You told me I told you this before. I never told you this before.

THE COURT: You did. Do you want me to have the court reporter read it back?

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THE WITNESS: I'm not a betting --did you ever hear that I started an Article 78 proceeding against Diamond? You don't know that.

THE COURT: Go ahead.

THE WITNESS: Against Diamond.

MR. STRAUS: Judge, I would ask that you direct Mr. Sassower to testify with respect to the two paragraphs that I read.

THE WITNESS: Right. Right. I started an Article 78 proceeding, and I said Referee Diamond should put down his rules in writing so they don't change every Monday, Wednesday, and Friday. Okay? -- Wait a second! An Article 78. It was adjourned three times by Mr. Cook. He made ten visits to --I don't know how many visits, maybe five visits, to Referee Diamond; many phone calls --

THE COURT: How do you know what phone calls or visits he made?

THE WITNESS: They both told me. Now, when it was on for the last time, Referee Diamond made an Affidavit saying, "Among my rules," and he gave two rules. He submitted that Affidavit, or Cook submitted that Affidavit. Within two hours after he

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submitted that Affidavit, he --by the way, that Affidavit also said, he said, "Sassower doesn't understand my rules, and Schneider doesn't understand my rules, and my rules certainly do not prohibit"-- and I will bring you the Affidavit, your Honor, "... my rules certainly do not prohibit or deny anyone's right to to have access to the Court."

MR. STRAUS: Your Honor, may I ask you to direct Mr. Sassower --

THE WITNESS: If you read Diamond's garbage, Judge --

THE COURT: I'm reading the decision that's in evidence.

THE WITNESS: That's not a decision --

THE COURT: That's the decision that's in evidence.

THE WITNESS: That's in evidence?

THE COURT: Yes.

THE WITNESS: Judge, Penthouse Magazine has much better stuff.

THE COURT: You sell your papers to Penthouse and --

THE WITNESS: I'll tell you something; somebody

Sassower - direct

told me there, I saw it, as a matter of fact, that a plea of not guilty is equivalent to a general denial in a civil case, and therefore he can give summary judgment in a criminal case. Okay? That's Diamond.

MR. STRAUS: What does that have to do with these charges, your Honor.

THE WITNESS: Wait a second.

MR. STRAUS: May I also ask --

THE WITNESS: Wait.

MR. STRAUS: No. I want to make an application, your Honor. Mr. Sassower has said on at least twelve to fifteen --hold it, Mr. Sassower!

THE WITNESS: Yeah.

MR. STRAUS: --at least twelve to fifteen times that he's going to give you something, he's going to bring it from the car. Would you --I would request that you direct Mr. Sassower to bring the things that he's going to use in his testimony with him so that he can offer them when he says he's going to offer them. So that we might see these valuable documents.

THE COURT: We are going to adjourn now. Next

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Tuesday, before we start, I want a list from you telling me the testimony you're about to give in relation to which charge, and we're going to go in that order.

THE WITNESS: Judge, can I just say one thing? Maybe you led me astray.

THE COURT: I didn't lead you astray.

THE WITNESS: I said when I took the stand --

THE COURT: I sat here very patiently, waiting for you to have your say, and it's the same thing over and over again.

THE WITNESS: You got it mixed up.

Judge, I told you when I took the stand, and you had no objection, that I would first give you a broad-based summary, and then I would go back and show you the documents.

THE COURT: You did that the other day.

THE WITNESS: I didn't bring any documents.

THE COURT: You didn't bring any documents today, either.

THE WITNESS: I have them in the car. I probably have some of them here.

THE COURT: Then you'll have them all here next

Sassower - direct

Tuesday, ten o'clock sharp.

MR. STRAUS: Ten o'clock, next Tuesday.

THE WITNESS: How do I communicate with you if --

THE COURT: Judge Joseph has the trial scheduled for April 28th.

THE WITNESS: No, I have to prepare now for the 28th, Judge. You don't follow me.

THE COURT: We'll have the session next Tuesday and next Thursday, and then --

THE WITNESS: I have to send out subpoenas, I have to look at the schedule --

MR. STRAUS: It's Wednesday and Thursday of next week, your Honor.

THE COURT: You have Monday, Tuesday and Friday of next week, plus --

THE WITNESS: Monday Judge Wilk wants me up there, and another judge wants me; Tuesday another judge wants me. What am I going to tell them?

THE COURT: Exactly what the story is.

THE WITNESS: Like I tell you, it's water off a duck's back. I mean, it's ridiculous. I got this crazy idiot Diamond chasing me out of the state. You're a Referee? Do you, do your findings, are

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they confirmed? What right did he have to do it. The Sheriff wants a million dollar bond from the guy, he's such a crazy idiot.

THE COURT: What do you want from me?

THE WITNESS: You know what I want from you?

(Whereupon Mr. Sassower leaves the witness stand.)

MR. STRAUS: So it's next Wednesday at ten o'clock?

THE COURT: Wednesday, at ten o'clock.

MR. STRAUS: Should I also make --

MR. SASSOWER: I want a little honesty. That conversation on Thursday, it happened. If I was involved in that, I would get out of a case right away. I think it's reprehensible.

MR. STRAUS: What conversation?

THE COURT: What conversation?

MR. SASSOWER: You answer to the Appellate Division.

THE COURT: Mr. Sassower --

MR. SASSOWER: You answer to the Appellate Division. I don't want to get involved in it.

THE COURT: Mr. Sassower, you're going to get

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involved in it. Sit down here, sir.

MR. SASSOWER: I'll sit down, but I don't want to get --

THE COURT: Don't you make any idle threats of any kind to me.

MR. SASSOWER: I didn't make any idle threats.

THE COURT: You did, and you'll stop it right now.

MR. SASSOWER: What threat did I say? I said if I was involved in anything like that, I would get out of a case.

THE COURT: What involvement --you should be ashamed.

MR. SASSOWER: I'm ashamed? I walked out, I turned back, this conversation was not going to --

MR. STRAUS: What conversation?

MR. SASSOWER: What conversation?

MR. STRAUS: Yes, what do you think was said?

MR. SASSOWER: I don't care what was said.

MR. STRAUS: You don't care what was said?

THE COURT: You're just making idle statements here.

MR. SASSOWER: It's an idle statement? Are

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you going to tell me that --

THE COURT: It's going to cease right now.

MR. SASSOWER: Are you going to tell me there was no conversation between your Honor, the stenographer and Mr. Straus?

THE COURT: About what, the Dodgers?

MR. SASSOWER: No, about the stenographic minutes.

THE COURT: The minutes?

MR. SASSOWER: Yes.

THE COURT: What about them. I asked the court reporter for guidance.

MR. SASSOWER: Outside of my presence.

THE COURT: Yes.

MR. STRAUS: The court reporter is not a party--

MR. SASSOWER: And Mr. Straus was here.

THE COURT: You wanted me to give you my minutes and I was ready to do it.

MR. SASSOWER: Fine; you discuss it like a man, in front of all the parties, not ex-parte.

THE COURT: I don't have to account to you for anything.

MR. SASSOWER: You don't have to account to me,

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but I would tell you, your Honor, that ex-parte conversations are out according to my rule book.

THE COURT: You be here next Wednesday and Thursday, without fail. And with all your records, and everything else.

MR. SASSOWER: I have all my records, your Honor.

THE COURT: Because we're going to conclude this hearing next Thursday.

MR. SASSOWER: I have all my records.

THE COURT: The hearing will be over next Thursday.

MR. SASSOWER: Will your Honor be in Schermerhorn Street Monday, to sign a subpoena?

THE COURT: I'll be on Livingston Street.

MR. SASSOWER: What days?

THE COURT: Monday and Friday.

What happened to the last subpoena I signed?

MR. SASSOWER: I met Mr. Cook in White Plains by happenstance and --

THE COURT: In any event --

MR. SASSOWER: --Thursday or Friday. I didn't get it. I sent it to him. I didn't get it. But I

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spoke to him about it.

MR. STRAUS: Good night, Judge.

THE COURT: Good night, gentlemen.

(Whereupon this matter was adjourned to Wednesday,
April 9, 1986, at 10:00 o'clock, a.m.)

* * * * *