

ELI VIGLIANO

Attorney at Law

CENTRAL PARK PROFESSIONAL BLDG.
1250 CENTRAL PARK AVENUE
P.O. BOX 310
YONKERS, NEW YORK 10704
(914) 423-0732
FAX (914) 423-8964

By Hand

August 23, 1991

Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

RECEIVED

AUG 24 1991

COURT OF APPEALS

JDC

Re: SADY v. MURPHY

Honorable Judges of the Court:

As set forth in papers submitted by both sides, the case of Sady v. Murphy, herein presented by Petitioners-Appellants for review on the August 28th calendar, shares a number of issues identical to those raised in Castracan v. Colavita, now also pending before this Court.

I am presently record counsel on both cases. However, up until the appeal of the Castracan case to this Court, Doris L. Sassower was the attorney directly handling that matter for her professional corporation, Doris L. Sassower, P.C., then counsel of record.

Less than a week after her public announcement that she was taking the highly controversial case of Castracan v Colavita to the Court of Appeals, Ms. Sassower was suspended by Order of the Appellate Division, Second Department from the practice of law. That Order is presently before this Court on her application for leave to appeal said Order. The main issue raised by her counsel in that application is whether there was a legal or factual basis for either the underlying Order requiring her submission to a psychiatric examination, or for the Order suspending her for alleged "non-cooperation" with the aforesaid Order, and which directed her suspension immediately, indefinitely, unconditionally and, most importantly, without affording her any evidentiary hearing. Although Ms. Sassower's application for leave to appeal said suspension order was filed on July 25, 1991, it has not yet been decided. Since Ms. Sassower's application to appeal the suspension order is presently before this Court, I respectfully refer the Court to said file so it can satisfy itself that the facts are as stated hereinabove.

Ex 'C'

ELI VIGLIANO

Court of Appeals

Page Two

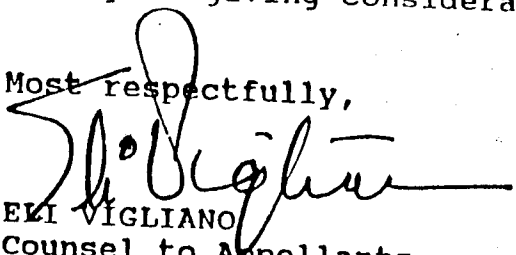
August 23, 1991

Because of Ms. Sassower's greater familiarity with the legal proceedings, as well as with the research connected to the most central issue--the constitutionality of the Three-Year cross-bartering contract, which gave rise to both the Sady v. Murphy and Castracan v. Colavita cases--I respectfully request that Ms. Sassower's suspension be temporarily lifted for the sole purpose of permitting her to assist me in the argument of the appeal in Sady v. Murphy.

It should be borne in mind that Ms. Sassower acted as pro bono counsel to the Ninth Judicial Committee for over a year. That organization, comprised of lawyers and civic-minded individuals, is dedicated to improving the quality of the judicial in the Ninth Judicial District. Until her suspension, Ms. Sassower worked tirelessly in the public interest on the Castracan case, as she has on countless other cases and causes in the past. We believe that it would further the public interest that she be permitted not only to sit with me at the counsel table, but also to present argument on those limited issues as to which she is more familiar than I.

The Ninth Judicial Committee, and the public interest represented by Petitioners herein, are grateful for your giving consideration to this request.

Most respectfully,


ELI VIGLIANO
Counsel to Appellants

cc: Guy Parisi, Esq.
Alan Sheinkman, Esq.
Ms. Rachel Sady
Dr. Mario M. Castracan
Professor Vincent F. Bonelli
Doris L. Sassower