

✓ 11/25/92

CITY COURT OF WHITE PLAINS: STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
JOHN McFADDEN,

Petitioner,

Index #651/89

-against-

Affidavit in
Further Support
of Sanctions

DORIS L. SASSOWER and ELENA SASSOWER,

Respondents.

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

ELENA RUTH SASSOWER, being duly sworn, depose and say:

1. This Affidavit is submitted in further support of Respondents' request for sanctions, as contained in their Affidavit, dated November 11, 1992--which was submitted to the Court on November 12, 1992, the original return date of Petitioner's motion.

2. Because Petitioner and his counsel had refused to consent to Respondents' request for any adjournment of the November 12, 1992 return date of Petitioner's motion, both Respondents appeared in Court on that day and submitted an Affidavit in support of their request for adjournment.

3. Mr. Lehrman did not appear. However, another attorney from his office was presented and requested time to reply to our Affidavit. The matter was, therefore, put over until today, November 25, 1992.

4. At 2:35 p.m. yesterday afternoon, I called the Clerk's Office to ascertain whether Mr. Lehrman had put in reply

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papers to our Affidavit, dated November 11, 1992--since we had received none.

5. I spoke with Jean Wald, a Clerk of this Court, who stated that Mr. Lehrman had told her that the case had been adjourned "by consent" from November 25, 1992 to December 2, 1992.

6. I informed Ms. Wald that Mr. Lehrman had not been in communication with us and that no adjournment had been requested--or granted by the Respondents.

7. At no time during the balance of the afternoon or evening was any call received from Mr. Lehrman or anyone from his law firm seeking an adjournment. Nor has any call been received as of today.

8. It is respectfully submitted that the aforesaid misrepresentation by Mr. Lehrman to Ms. Wald constitutes conduct which is a deceit on the Court and Respondents within the meaning of Judiciary Law §487 and a manipulation of the judicial process.

9. In view of the unethical conduct already set forth in Respondents' November 11, 1992 Affidavit, as well as in their Affidavit of December 16, 1991, it is respectfully submitted that appropriate action should be taken, including denial of the motion, dismissal of the petition, and referral of Mr. Lehrman to the Grievance Committee.

10. We again apprise the Court that Respondents are presently engaged in the preparation of their appeal to the United States Supreme Court. We protest the deliberate

disruption caused by Petitioner and his counsel designed to frustrate our efforts to obtain justice in the federal case which we commenced with Petitioner as co-plaintiff in good-faith reliance on his representations to us.

Elena Ruth Sassower

ELENA RUTH SASSOWER

Sworn to before me this
25th day of November 1992

[Signature]

Notary Public

ELI VIGLIANO
Notary Public, State of New York
No. 4967383
Qualified in Westchester County
Commission Expires June 4, 1994
State of New York)
County of Westchester) ss:

DORIS L. SASSOWER, being duly sworn, deposes and says:

I am one of the above-named Respondents, have read the foregoing, and state that they are true and correct on my personal knowledge, information, and belief.

Doris L. Sassower

DORIS L. SASSOWER

Sworn to before me this
25th day of November 1992

[Signature]

Notary Public

ELI VIGLIANO
Notary Public, State of New York
No. 4967383
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DORIS L. SASSOWER and ELENA RUTH SASSOWER,

Respondents.

AFFIDAVIT IN FURTHER SUPPORT OF SANCTIONS

DORIS L. SASSOWER, P.C.

~~Attorney for~~

pro se

Office and Post Office Address, Telephone

~~50 MAIN STREET, TENTH FLOOR~~

~~WHITE PLAINS, NY 10606~~

~~(914) 666-8901~~

ELENA RUTH SASSOWER

PRO SE

16 Lake St. Apt. 2C

White Plains, NY

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....
Attorney(s) for

Sir:— Please take notice

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

19

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at

of which the within is a true copy will be presented for
one of the judges

on

19

at

M.

Dated,

Yours, etc.

DORIS L. SASSOWER, P.C.

~~Attorney for~~

To

Office and Post Office Address