UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

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DORIS L. SASSOWER,

Plaintiff-Appellant,

-against-

Hon. GUY MANGANO, et al.,

Defendants-Appellees.

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Docket #96-7805

AFFIDAVIT IN REPLY AND IN FURTHER SUPPORT OF APPELLANT'S MOTION

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

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

1. This Affidavit is submitted in reply to Mr. Weinstein's purported opposition to my 27-page April 1, 1997 motion. Such opposition consists of a frivolous 2-page opposing Affidavit and a 6-page Memorandum of Law, wherein Mr. Weinstein makes knowingly false representations that he does not make in his sworn Affidavit. This misconduct reinforces that Mr. Weinstein is not only unworthy of pro hac vice admission to this Court, as explicitly detailed in my motion (pp. 13-18), but that immediate steps must be taken to remove him as a member of the bar and a Show Cause Order issued against the Attorney General's office for sanctions, including contempt, for its acquiescence and complicity in a pattern of unrestrained defense misconduct that has infected the appellate phase of this litigation, much as it previously infected the proceedings in the district court (Br. 12-30, Point II: 38-50).

2. Although Assistant Solicitor General Thomas Hughes was served with a copy of my subject April 1, 1997 motion and my simultaneously filed Rely Brief, he has not submitted any opposing affidavit. This, notwithstanding two pivotal paragraphs of my moving Affidavit directly

concerned him, ¶31 and ¶54. In ¶31, I opined that Mr. Hughes, whose name had been added to the cover of Mr. Weinstein's corrected Appellees' Brief, "[p]resumably,...is a member of this Court's bar and able to argue the appeal on which his name appears" -- further establishing the absence of "exceptional circumstances" required under Local Rule 46(d) before pro hac vice admission could be accorded Mr. Weinstein. In ¶54, I recounted that when I put Mr. Hughes on notice of the misconduct of Mr. Weinstein and the Attorney General, his view of his professional and ethical duty was "that it was for the Court, rather than himself to examine the misconduct and fraud issues relative to the Appellees' Brief on which his name appears." It would seem that Mr. Hughes, whose name now conspicuously does not appear on the cover of Mr. Weinstein's Memorandum of Law, has taken no corrective steps to withdraw Appellees' sanctionable Brief -- even after citation in my moving Affidavit (p. 16, ¶35) and my Reply Brief (p. 3) to ABA Model Rules of Professional Conduct: Rule 3.1 "Meritorious Claims and Contentions" and Rule 3.3 "Candor Toward the Tribunal"[1].

MR. WEINSTEIN'S OPPOSING AFFIDAVIT IS IRRELEVANT AND FRIVOLOUS

3. The ten branches of relief sought by my motion and developed in my moving Affidavit relate to the integrity of these appellate proceedings: (a) the lack of impartiality of this appellate court (pp. 4-9[2]); and (b) the wilful misconduct of Mr. Weinstein and the Attorney General's office throughout the appellate case management phase of this litigation, culminating in their filing of a fraudulent Appellees' Brief (pp. 9-26).

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[1] See also p. 42 (fn. 25) of my Appellant's Brief.

[2] Unless otherwise indicated, page references are to my motion.

4. These two pivotal issues, encompassing the whole of my 27-page moving Affidavit, are entirely unaddressed by Mr. Weinstein's 6-paragraph opposing Affidavit. His Affidavit does not deny, dispute, or controvert the facts set forth in my Affidavit establishing my entitlement to this Court's recusal, either sua sponte or upon my making of a documented recusal motion, or to sanctions against him and the Attorney General's office, including a Show Cause Order for their litigation misconduct.

5. Under such circumstances, it was frivolous for Mr. Weinstein to interpose opposition -- and his opposing Affidavit is utterly frivolous. It is exclusively devoted to an irrelevant -- and selective -- chronological recitation of: (a) the dates of his two extension motions, the second motion containing his pro hac vice request; and (b) the dates and dispositions of the Orders of Staff Counsel Bass on those motions, failing to identify that his pro hac vice application was granted not by Mr. Bass' March 10, 1997 Order, but by a separate Order of Administrative Attorney Heller, dated March 7, 1997 (Exhibit "A-1" to my Affidavit).

6. Tellingly, Mr. Weinstein's chronology of his first extension motion (February 12, 1997) omits the significant chronological fact, highlighted by my motion (p. 9, ¶17), that I had opposed it. Indeed, my February 24, 1997 Affidavit had requested an Order to Show Cause for sanctions under Rule 11(c)(1)(B), "On the Court's Initiative" against Mr. Weinstein and the Attorney General for their misconduct in subverting the appellate case management phase of the litigation[3]. As noted in my moving Affidavit (p. 9, ¶18), Staff Counsel Bass' February 25, 1997 Order failed to adjudicate my sanctions entitlement -- albeit it was fully documented

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[3] A full copy of my February 24, 1997 Affidavit was annexed as Exhibit "D" to my moving Affidavit.

and unopposed by Mr. Weinstein.

7. As to his second extension motion (March 4, 1997), with its pro hac vice request, Mr. Weinstein's chronology omits the significant chronological fact, highlighted by my motion (p. 12, ¶¶26, 28), that Staff Counsel Bass' March 10, 1997 Order granted his extension in the face of my prior notice that I had not received Mr. Weinstein's motion[4] and that I wished to oppose it. His chronology also omits, as hereinabove noted, the significant chronological fact that his pro hac vice request was granted by Administrative Attorney Heller's March 7, 1997 Order -- also without my being given an opportunity to be heard in opposition prior thereto (p. 12, ¶27).

8. Having thus been deprived of the opportunity to file written opposition to Mr. Weinstein's March 4, 1997 motion prior to rendition of the March 7, 1997 and March 10, 1997 Orders, my instant motion now constitutes that opposition. Inasmuch as Mr. Weinstein does not deny or dispute the facts therein set forth, they are conceded as a matter of law.

9. As to the limited information provided by Mr. Weinstein's opposing Affidavit, it is completely superfluous -- having been presented by my moving Affidavit as background to my showing that his February 12, 1997 and March 4, 1997 motions failed to meet the standards for the relief sought, were part of a continuum of misconduct by him and the Attorney General's office, and that Staff Counsel Bass' two Orders and the Order of Administrative Attorney Heller were procedurally improper and substantively

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[4] Although Mr. Weinstein asserts that he served his March 4, 1997 motion on that date and annexes his Affidavit of Service purporting service on me by Express Mail, he does not address any of my specific statements on the subject. I herein reiterate ¶¶22-25 of my Affidavit. (Also ¶20).

unwarranted. This was the substantive and profoundly serious subject matter to which Mr. Weinstein had to respond if he was to oppose my motion. Yet, he does not do so.

10. Likewise superfluous are the four exhibits Mr. Weinstein annexes to his opposing Affidavit, consisting of his aforesaid two motions and Staff Council Bass' two Orders. All such documents were already before the Court, as part of my motion[5]. The only explanation for their being supplied by Mr. Weinstein is to conceal the skimpiness of his 2-page opposing Affidavit and give it some literal "weight".

MR. WEINSTEIN'S MEMORANDUM OF LAW IS FRIVOLOUS AND BASED ON DELIBERATE MISREPRESENTATIONS

11. Having failed to deny or dispute my factual showing of entitlement to the relief requested by my motion, Mr. Weinstein presents a 6-page Memorandum of Law, which misrepresents my motion, misrepresents facts pertaining to his Appellees' Brief, and in conclusory fashion asserts the propriety of his conduct and that of the Attorney General, which needed to be placed in an Affidavit with substantiating detail and proof.

12. Except for the 2-1/2 pages of Mr. Weinstein's Point I on recusal, wherein Mr. Weinstein purports to respond to my Affidavit -- which he misrepresents -- the remaining 1-1/2 pages of his Memorandum, purporting to oppose the balance of my motion, neither identify nor respond to any of my arguments.

A. Mr. Weinstein's Point I Is Sanctionable

13. Mr. Weinstein's Point I (pp. 2-4) conceals that my

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[5] Mr. Weinstein's February 12, 1997 extension motion is annexed to Exhibit "D" of my moving Affidavit (as Exhibit "C" thereto) and his March 4, 1997 extension/pro hac vice motion is Exhibit "B". Staff Counsel Bass' February 25, 1997 and March 10, 1997 Orders are Exhibit "F" and Exhibit "A-2", respectively.

supporting Affidavit expressly stated that were the Court not to recuse itself sua sponte based upon the specific facts therein identified, I would make a formal motion recusal, to which I would annex "copies of all the relevant documents" (p. 4, ¶7). It is, therefore, frivolous and misleading for Mr. Weinstein to assert, as he does (p. 3), that my recusal application fails to provide "any proof or legal authorities" and to suggest that sanctions might properly be imposed against me -- for which he offers legal authority. If anything, Mr. Weinstein's Point I must be seen as impliedly supporting my request that if this Court fails to recuse itself sua sponte, I be given four-weeks' time from its Order in which to present my formal recusal motion, as requested by me (p. 1, ¶2; p. 27 "WHEREFORE", ¶2).

14. However, Mr. Weinstein's representation that I have not provided "proof" is untrue. I did present proof. Quite apart from the citation I provided to the decision authored by now Second Circuit Chief Judge Newman in Sassower v. Field, which, my Affidavit (pp. 4-5, ¶8) described as aberrant on its face[6], Mr. Weinstein has, as part of this Record[7], the February 27, 1992 Order of now Chief Judge of the Southern District Griesa, when he chaired the Southern District's disciplinary

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[6] The facial aberrance of Judge Newman's decision in Sassower v. Field was concisely summarized in my Supplemental Petition to the U.S. Supreme Court for Rehearing in that case -- a copy of which I supplied to this Circuit on November 28, 1995 in support of my testimony before its Task Force on Gender, Racial, and Ethnic Fairness [R-900] and on March 4, 1996, when I filed my §372(c) misconduct complaint against Judge Newman, thereafter dismissed by Judge Kearse. For the Court's convenience, a copy of the pertinent pages are annexed hereto as Exhibit "A". Additionally, the facial aberrance of Judge Newman's decision may be seen by comparing it to Oliveri v. Thompson, 803 F.2d 1265 (1986), cert. denied, 480 U.S. 918 (1987), in which Judge Newman participated on the appellate panel and to U.S. v. International Brotherhood of Teamsters, 948 F.2d 1338 (1991), in which Judge Kearse participated.

[7] See fn. 8 to my moving Affidavit, highlighting that the papers relating to my federal court suspension -- including Judge Griesa's February 27, 1997 suspension Order -- were part of the record herein.

committee [R-558-559]. As pointed out by my Affidavit (p. 7, ¶12), that Order, dated the day before oral argument in Sassower v. Field, suspended my license to practice law in the Southern District, without the hearing under Rule 4 [R-906-907] that I explicitly requested in my many letters to Judge Griesa, all part of this Record [R-562, R-568, R-570], and to which I was absolutely entitled by virtue of the flagrant violation of my due process rights by the state courts, where I was suspended immediately, indefinitely, and unconditionally, without written charges, without a hearing, without findings, without reasons, and without any provision for appellate review. There is no justification for such Order -- and Mr. Weinstein offers none.

15. Additionally, as part of this Record [R-855, R-901, R-902-903] and so-indicated by ¶13 of my moving Affidavit, Mr. Weinstein has my three letters to Chief Judge Griesa, stemming from this litigation, when I turned to him to exercise his supervisory power over the District Judge. Despite the fact that I documented the District Judge's run-amok conduct in my recusal motion and in my reargument motion -- copies of which I provided to Chief Judge Griesa -- he ignored my pleas for assistance (p. 7, ¶13). There is no justification for Chief Judge Griesa's failure to respond and his total disregard of his supervisory duties -- and Mr. Weinstein offers none.

16. Moreover, as to my public testimony concerning this Circuit's retaliation against me, a copy of my testimony before the Second Circuit Task Force on Gender, Racial, and Ethnic Fairness in the Courts is included in the Record herein [R-890-900] -- a fact reflected by the citation to it at ¶15 of my moving Affidavit, as well as in my Appellant's Brief (p. 3). Such testimony establishes a publicly adversarial relationship between myself, Chief Judge Newman, and this Circuit, which

cannot be gainsaid, creating a clear appearance of impropriety in further adjudications of my matters by this Circuit.

17. As to all the foregoing, Mr. Weinstein, who quotes from this Circuit's decision in In re Drexel Burnam Lambert Inc.,861 F.2d 1307, 1313 (2d Cir. 1988), that under 28 U.S.C. §455(a) "[T]he test is an objective one which assumes that a reasonable person knows and understands all the relevant facts", does not even offer the slightest comment as to what a "reasonable person" would conclude as to the Second Circuit's impartiality.

18. It is, therefore, utterly disingenuous and misleading for Mr. Weinstein to purport that I have provided no proof, when substantial proof has been presented -- and he has deliberately failed to address any of it.

19. Moreover, as relates to the long-standing and fiercely adversarial relationship between this Court and George Sassower, the Attorney General's office, like this Court, has more specific knowledge than I. Upon information and belief, the Attorney General's office has been involved either as co-defendant or as counsel to state judicial defendants in virtually all of Mr. Sassower's litigation activities in this Circuit, as well as in his litigation in other Circuits. Consequently, Mr. Weinstein could more easily have supplied the docket numbers and captions of such voluminous litigations so as to enable more particularized discussion as to whether or not the "avalanche of litigation" Mr. Sassower has filed (NYLJ, 11/9/93, p. 1) gives rise to reasonably questioning this Court's impartiality under 28 U.S.C. §455(a).

20. Since the Attorney General's office has direct, first-hand knowledge of Mr. Sassower's litigation activities -- and possesses a large quantity of his litigation papers involving the Second Circuit -- it is

highly significant that Mr. Weinstein provides no sworn statement from the Attorney General's office on the recusal issue, let alone as to what a "reasonable person" who "knows and understands all the relevant facts" would conclude from that litigation about the Second Circuit's impartiality toward Mr. Sassower and those associated with him. Indeed, Mr. Weinstein's Point I totally avoids any statement about Mr. Sassower's litigation activities.

21. Upon information and belief, examination of the files relating to the cases brought by Mr. Sassower in the Second Circuit against state court judges, defended by the Attorney General, would reveal the same kind of flagrant litigation misconduct by the Attorney General as has been demonstrated herein. Indeed, it is my belief that the brazenness of the Attorney General's misconduct in this litigation is a direct result of the great success he has enjoyed in this Circuit in using litigation misconduct as a modus operandi to defeat Mr. Sassower's legitimate rights. I further believe that it is this Circuit's cover-up of that Attorney General misconduct, in turn covering up the misconduct of state court judges, that has led Mr. Sassower to sue federal judges of this Circuit and to file against them §372(c) judicial misconduct complaints. Upon information and belief, the files of his litigation reflect the same kind of dishonest decisions as were authored by the District Judge and this Circuit in Sassower v. Field and by the District Judge in my instant §1983 federal action.

22. The fact that the Attorney General should, in the face of repeated notice of Mr. Weinstein's misconduct herein, take no corrective steps and allow him to persist in his misbehavior, even before this Court, reflects his confidence born of past experience that it will turn a blind eye to Mr. Weinstein's trashing of all professional standards and the

Attorney General's complicity therewith, because it is not a fair and impartial tribunal[8].

23. Instead of responding to the foregoing, Mr. Weinstein argues that "friendships among judges, parties, and witnesses are insufficient grounds, in and of itself, for recusal" and that it would be "absurd" for the Court to recuse itself because of the "politically sensitive nature of the case". However, the ramifications of this §1983 action for civil rights violations are so obviously profound and far-reaching -- bringing with it disciplinary referral, criminal indictments, and removal of high-ranking Second Department judges for official dereliction and corruption, as well as implicating judges of the New York Court of Appeals, for their conspiratorial complicity therewith -- as to plainly raise reasonable questions whether federal judges with social and professional relationships with these state judges will be able to impartially discharge their adjudicative duties herein.

24. Moreover, these reasonable questions are not speculative. They have already been answered unequivocally against this Circuit's judges by the actions of the District Judge herein and by his superior, Southern District Chief Judge Griesa. The District Judge's "extraordinary misconduct" throughout the litigation, as fully documented by my uncontroverted Appellant's Brief, is inexplicable except that it served some sinister ulterior purpose. "...in court conduct may be relevant to establish extrajudicial prejudice...", In re IBM, 618 F.2d 923, 928 (2d Cir. 1980). There is absolutely nothing in the record to justify the

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[8] As pointed out at ¶8 of my moving Affidavit, Chief Judge Newman's fraudulent decision in Sassower v. Field ignored entirely the litigation misconduct of adverse counsel therein, notwithstanding it had been the subject of my fully documented and completely uncontroverted Rule 60(b)(3) motion.

District Judge's behavior, factually or legally. Consequently, it must be assumed that he was either expressing this Circuit's animus against those connected with George Sassower -- as was done by the District Judge in Sassower v. Field -- or, as argued in my Brief (Br. 2), that he was "knowingly and deliberately us[ing] his judicial office to cover up and protect the state Defendants from the civil, criminal, and disciplinary consequences of their malicious, constitutionally-tortious and unlawful acts".

25. It is unlikely that the District Judge would have dared to engage in the kind of deliberate official misconduct as is reflected by my Appellant's Brief, were he, like the Attorney General, not confident that this Circuit would let him get away with it. Certainly his confidence was boosted by the inaction of Chief Judge Griesa, who repeatedly disregarded the obliteration of my constitutional rights by ignoring my pleas for his supervisory intervention. Chief Judge Griesa's failure to respond to my letters [R-855, R-901, R-902-903] -- serious and documented as they were -- is, likewise, inexplicable, except that it advanced an ulterior goal. Similarly, his February 27, 1997 Order [R-558-559] suspending, without a hearing, my license to practice in the Southern District, where the record before him [R-562, R-568, R-570] showed my absolute entitlement thereto under Rule 4 of the Southern District [R-906-907] is inexplicable, except that it furthered an illegitimate, extrajudicial purpose.

26. As highlighted by my Reply Brief, Mr. Weinstein's response to the overwhelming documentary record of the District Judge's misconduct (and of Chief Judge Griesa's complicity therein) is to ignore it.

B. **Mr. Weinstein's Point II Is Sanctionable**

27. Mr. Weinstein's Point II argument that Staff Counsel Bass' March 10, 1997 Order should not be vacated is knowingly frivolous and in bad-faith. This may be seen from the fact that Mr. Weinstein does not address any of my arguments as to my right to vacatur of the March 10, 1997 Order and to dismissal/denial of his underlying March 4, 1997 motion, as particularized at pages 11-12, 18-26 of my moving Affidavit. Instead, Mr. Weinstein confines his presentation to a verbatim repetition of the same three reasons for extension offered in his March 4, 1997 motion -- notwithstanding my Affidavit pointed out (p. 19, ¶43) that on their face they did not meet the "good cause" standard articulated by this Circuit in United States v. Raimondi, 760 F.2d 460 (2d Cir. 1985), requiring "more than the normal (or even the reasonably anticipated but abnormal vicissitudes inherent in the practice of law" -- which is all that they show -- and, beyond that, demonstrated that:

> "the first two reasons are palpably spurious and entitle the Attorney General to no consideration, being directly attributable to his perversion of the appellate case management phase, and the third relates to a fundamental supervisory issue, as to which I sought clarification by my...February 24, 1997 Affidavit requesting a Show Cause Order". (p. 18, ¶42, emphasis in the original)

28. Mr. Weinstein's only response to my comprehensive analysis of the reasons set forth in his motion -- which he ignores -- is to assert:

> "The task of responding to a seventy-six page brief, such as the one filed by Appellant, which included numerous citations to a nine-hundred page appendix, within the period of time allotted by the rules cannot be considered 'normal'." (at 5)

29. This is a blatant untruth. Firstly, as explicitly pointed out by my moving Affidavit (pp. 21-22, ¶49), Mr. Weinstein not only had a week more time in which to respond to my Brief than is allotted by the rules, but his belated Appellees' Brief failed to respond to either my

factual showing or legal presentation in my 76-page Brief. Indeed, as noted in my moving Affidavit (pp. 19-20, ¶44) and my Reply Brief (p. 2), Mr. Weinstein's Appellees' Brief never even refers to my Appellant's Brief. Instead, as discussed in my moving Affidavit (p. 22, ¶50) and more fully in my Appellant's Brief (pp. 10-15, 23-32), it regurgitates the Decision's demonstrably false and misleading "Background" section as its "Statement of the Case" and incorporated plainly stock material culled from other briefs filed by the Attorney General's office on the completely standard and customary grounds of Rooker-Feldman, res judicata, immunity, and the Eleventh Amendment -- material which was irrelevant to the facts of this case.

30. Secondly, as to the length of my Brief, my Affidavit (pp. 20-21, ¶¶45-47) detailed that it was the direct result of the Attorney General's sabotaging of the salutary purpose of the Pre-Argument Conference, designed to narrow and eliminate appellate issues. Thus, following the Attorney General's representation to Staff Counsel Bass that Mr. Weinstein was not handling the appeal, he sent to the Conference an Assistant Attorney General who knew nothing about the case and was unable to enter into appropriate stipulations to simplify, if not obviate the appeal, and, thereafter, refused to entertain those stipulations. Additionally, my Affidavit pointed (p. 21, ¶47) out that the length of the Brief was not grounds for extension -- the first 30 pages being merely a recitation of the Complaint's allegations and the facts relating to the "Course of the Proceedings" -- as to which Mr. Weinstein was fully familiar, having handled the defense case before the District Judge, and that the 46-page "Argument" section largely repeats those familiar allegations and procedural facts to illustrate the applicability of cited legal authority on fairly basic procedural issues: recusal standards,

sanction standards, preliminary injunction standards and summary judgment standards.

31. Thirdly, as to the length of my Appendix, my Affidavit (p. 21, ¶48) again pointed out that Mr. Weinstein was the attorney who handled the case before the District Judge and, therefore, already familiar with the documents contained therein and knew, from his litigation experience with me that my record references were meticulous.

32. Consequently, Mr. Weinstein's Point II is not only non-responsive to my Affidavit, which demolished any pretense that his March 4, 1997 motion showed "good cause" for an enlargement of time, but rests on statements whose palpable untruth I had already fully rebutted.

C. MR. WEINSTEIN'S POINT III IS SANCTIONABLE

33. Mr. Weinstein's Point III presumes to dispose of the balance of my motion in one sentence:

> "Appellant's remaining requests for relief should be denied because they are frivolous and unsubstantiated and because the New York State Attorney General and Assistant Attorney General Jay T. Weinstein acted at all times reasonably and in compliance with the law." (at 5-6).

34. Such statement by Mr. Weinstein epitomizes his misconduct throughout this litigation, shamelessly misrepresenting the record before the court so as to avoid the consequences of what that record shows: outright fraud and prevarication by him at every turn -- all with the Attorney General's knowledge and acquiescence.

35. By no stretch of the imagination can my "remaining requests for relief", which Mr. Weinstein does not identify, be considered "frivolous and unsubstantiated". As reflected by the "WHEREFORE" clause (p. 27), such requests encompass branches [3], [4], and [5] as they relate

to vacatur of the March 7, 1997 Order granting Mr. Weinstein pro hac vice admission and dismissal/denial of his March 4, 1997 motion for such pro hac vice relief, and branches [6], [7], [8], [9], and [10] seeking sanctions, including a Show Cause Order and criminal and disciplinary referral against Mr. Weinstein and the Attorney General, as well as the Appellees, for their fraud and wilful misconduct in the appellate case management phase of this litigation. This misconduct, plainly disqualifying Mr. Weinstein from pro hac vice admission, is particularized and documented by my moving Affidavit (pp. 9-26) and by my simultaneously-filed, incorporated-by-reference Reply Brief.

36. Likewise, Mr. Weinstein's bald claim, hereinabove quoted, that he and the Attorney General "acted at all times reasonably and in compliance with the law" is a flagrant untruth. Conspicuously, Mr. Weinstein provides no fact or legal substantiation of such claim, which, moreover, does not appear in his sworn Affidavit. Mr. Weinstein's failure to make a testimonial statement in defense of his conduct -- the gravamen of my motion -- plainly concedes his recognition that to do so would subject him to the penalties of perjury.

37. Mr. Weinstein's misrepresentation as to allegedly reasonable and lawful conduct should be the "final nail in his coffin". Based on the documented, uncontroverted, and incontrovertible record of Mr. Weinstein's litigation misconduct, this Court must not only eject him from its midst by disciplinary edict, but, by Order to Show Cause, take steps to thoroughly inquire into the Attorney General's office for its role in directing and facilitating that misconduct. Such mandated inquiry would be consistent with the Advisory Committee Notes to Rule 11(c)(1)(A) [See my Appellant's Brief, p. 39].

WHEREFORE, the relief requested by my motion should be granted in its entirety.

Doris L. Sassower
DORIS L. SASSOWER

Sworn to before me on this
23rd day of April 1997

Notary Public

ANTHONY DELLA VECCHIA
Notary Public, State of New York
No. 01DE5035676
Certificate Filed in Westchester County
Commission Expires 11-03-98