

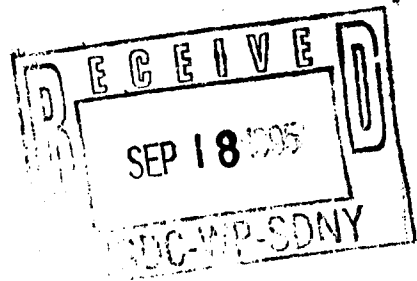
DORIS L. SASSOWER

283 SOUNDVIEW AVENUE • WHITE PLAINS, NEW YORK 10606 • 914/997-1677 • FAX 914/684-6554

By Hand

September 18, 1995

Judge John E. Sprizzo
United States District Court
United States Courthouse
Foley Square
New York, New York 10007-1581



Re: Sassower v. Mangano
94 Civ. 4514 (JES)

Dear Judge Sprizzo:

This letter responds to the September 13, 1995 letter of Assistant Attorney General Jay Weinstein, which seeks an extension of time in which to oppose what he mischaracterizes as my "cross-motion for summary judgment", requesting--at the bottom of the letter, that it be "so ordered" by the Court.

Consistent with Mr. Weinstein's previous dishonest and unethical practices--which I resoundingly exposed in ^{my} June 23, 1995 submission in opposition to his Dismissal Motion--Mr. Weinstein is once again guilty of making numerous false and misleading statements to the Court and of omitting material facts. At the outset, although Mr. Weinstein's letter attempts to convey the impression that he is new to the case, in his words, "assigned to represent defendants on September 12, 1995," in fact, the truth is that he has been reassigned to the case--having appeared as attorney of record for Defendants at both the December 23, 1994 and March 3, 1995 status conferences and the attorney who prepared and signed both their Answer and their Dismissal Motion.

I would note that Mr. Weinstein's aforesaid September 13, 1995 letter indicates that it was delivered by hand to the Court and that it was sent by express mail to me. However, as may be seen from the annexed mailing label, Mr. Weinstein's letter was not express mailed on that day--but on the following day--and not delivered until Friday, September 15, 1995.

Mr. Weinstein knows that I have fax number--and last December, when he wanted to secure from me a stipulation extending his time to file his answer and make his dismissal motion, faxed me a stipulation for signature.

Ex "E-3"

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Most recently, indeed, on September 12, 1995, the day before Mr. Weinstein's aforesaid September 13, 1995 letter and a second letter from him, also dated September 13, 1995, in which he announced that he was "now the Assistant Attorney General assigned to represent [the] State defendants", I faxed to the Attorney General's office notification that an appointment had been scheduled with the Court for September 22, 1995 for presentment of my Order to Show Cause for a preliminary injunction with a TRO.

Consequently, it may be seen that Mr. Weinstein's September 13, 1995 request attempts to obtain from the Court relief--without giving me due notice and opportunity to be heard.

I oppose Mr. Weinstein's application for several reasons. Firstly, as Mr. Weinstein is well aware--because I explained it to him in some detail in the telephone conversation to which he refers in the second paragraph of his letter application, but which he falsely refers to as having taken place on September 12th--rather than the true date of September 13th--I did not make any "cross-motion for summary judgment". Rather, I encompassed my request for summary judgment relief within my June 23, 1995 submission opposing his Rule 12(c) dismissal motion, based on the conversion thereof that Rule 12 authorizes. Consequently for Mr. Weinstein to contend, as he does four times, that I have made a "cross-motion for summary judgment" is a deliberate fabrication.

As Mr. Weinstein was made aware, my opposition papers were served on his office on June 23, 1995 in accordance with this Court's directive at the March 3, 1995 status conference--at which Mr. Weinstein was present as the attorney of record for the Defendants. I told Mr. Weinstein that he could refresh his recollection by examination of the transcript of that status conference, which I had annexed as Exhibit "A" to my May 25, 1995 letter to his then successor counsel, Amy Abramowitz, Esq¹. I further drew his attention to this Court's March 6, 1995 order, setting forth the scheduling for submissions. The oral directions and order of this Court required Defendants' response to my application for summary judgment relief to be made "on or before July 14, 1995". A copy is annexed for the Court's convenience.

For that reason, I unequivocally stated to Mr. Weinstein that Defendants' time to respond to my summary judgment application had long expired. For Mr. Weinstein to fail to disclose such unequivocal statement--but to purport merely that I "believed"

¹ Said letter is before this Court as Exhibit "1" to my June 23, 1995 Affidavit.

September 18, 1995

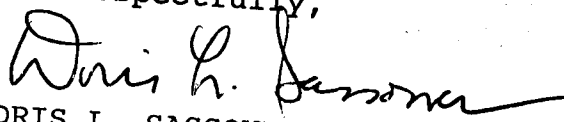
Defendants' time to oppose had expired, as if to suggest some doubt on the subject, is a deliberate deceit upon the Court.

Mr. Weinstein was further explicitly informed that there was no September 20, 1995 deadline applicable--since my summary judgment application was submitted on June 23, 1995 in accordance with the Court's aforementioned oral directive and written scheduling order.

Any extension to Defendants would be unwarranted, unfair, and plainly prejudicial to me. As I told Mr. Weinstein, my Order to Show Cause for Preliminary Injunction and TRO was already prepared and based on the state of the record--upon which I had a reasonable right to rely, more than two months having expired since the court-imposed July 14, 1995 deadline on Defendants' submission of their opposition to my request for summary judgment relief.

Finally, the Court should be aware that I specifically told Mr. Weinstein that Defendants should stipulate to immediate vacatur of the findingless June 14, 1991 interim order of suspension, since Matter of Nuey, 61 NY2d 513 (1984), and Matter of Russakoff, 79 NY2d 520 (1992), are controlling and that his requiring me to bring an Order to Show Cause for such relief is sanctionable.

Most respectfully,



DORIS L. SASSOWER

DLS/er
Enclosures

cc: Assistant Attorney General Weinstein--BY FAX



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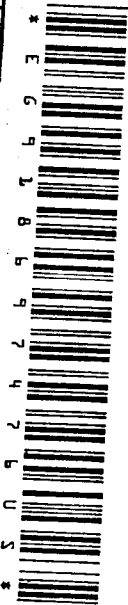
FROM: (PLEASE PRINT) PHONE

Day T. Weinstein
Assistant Attorney General
U.S. Dep't of Justice
120 Broadway, 24th Floor
New York, New York 10271

TO: (PLEASE PRINT) PHONE

Doris Sissocoe
Plaintiff EEO No
233 Grandview Avenue
White Plains, New York 10606

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