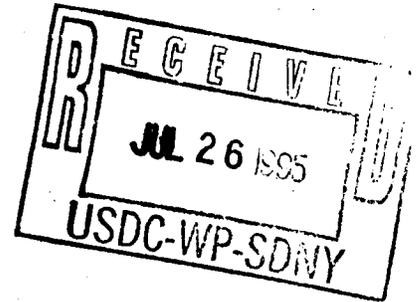


DORIS L. SASSOWER

283 SOUNDVIEW AVENUE • WHITE PLAINS, NEW YORK 10606 • 914/997-1677 • FAX 914/686-1554

July 26, 1995

Judge John E. Sprizzo
United States District Court
United States Courthouse
40 Centre Street
New York, New York 10007



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

Dear Judge Sprizzo:

This letter responds to Your Honor's disturbing letter dated June 26, 1995, advising me that I can only communicate with the Court in writing. With all due respect, as hereinafter demonstrated, such requirement is not only unduly onerous and time wasting, but wholly unwarranted by the facts and prejudicial to me.

Before reviewing the background to your Honor's June 26, 1995 letter, I wish to advise the Court that this letter is prompted by the fact that I wish to bring on an order to show cause for a preliminary injunction with a temporary restraining order.

Such relief is mandated by the Attorney General's failure to oppose my application for summary judgment, contained in my opposition to his dismissal/judgment on the pleadings motion. By Order dated March 6, 1995 order, the Attorney General's opposition to my summary judgment motion was due to be filed by July 14, 1995.

My Rule 3(g) statement is entirely uncontroverted by the Attorney General and the material facts therein set forth may now be deemed established. Under Rule 56, this Court is authorized to enter summary judgment in my favor, since there is no genuine issue for trial as to Defendants' liability herein.

Since I am precluded by Your Honor's June 26, 1995 letter from telephoning the Court, I respectfully request that Your Honor's Chambers telephone me upon receipt hereof to schedule a date and time when the Order to Show Cause may be presented for signature.

ER "F-3"

724

July 26, 1995

As apparent from the foregoing, the requirement that all my communications be in writing is particularly burdensome and unreasonable where, as here, the requests pertain to routine procedural matters, normally handled by telephone.

As to the substance of your Honor's aforesaid June 26, 1995 letter, I had no intention to disrupt the Court. Nor do I believe that my telephone communications imposed any undue burden on the Court's secretary or any other personnel. The facts are as follows: On or about Wednesday, June 21st, my daughter telephoned Chambers to verify that I could file my opposing papers to Defendants' dismissal motion at the White Plains courthouse and, on Friday, June 23rd--the day set by the Court as the deadline for submission--I made a telephone call in the morning, followed by two additional ones later in the day because I did not receive the promised return calls from Chambers.

As I explained to your secretary, Joanne, the only reason for the calls to Chambers on June 23rd, was the unanticipated breakdown of my photocopier, which impacted on my ability to meet that day's filing deadline. I, therefore, requested a brief extension of the Court's Friday, June 23rd filing deadline to Monday, June 26th.

Joanne told me that Your Honor's law clerks were unavailable, but that someone would get back to me after Your Honor left the bench for the one o'clock lunch break, if not during a morning recess.

At approximately 3:15 p.m., having heard nothing from the Court, I telephoned Chambers a second time. I spoke to one of your law clerks, who informed me that he was aware of my call and need for a prompt response, but that he had no answer for me as yet. He further stated that no one there was authorized to grant such request, but that I would get a call back as soon as he could discuss my request with Your Honor, which he thought would be "shortly".

After waiting until 4:35 p.m., I telephoned Chambers the third and final time, apologizing for so doing, but emphasizing that it was fast approaching 5:00 p.m. and that, if necessary, I would file my papers at the federal court in White Plains, without the voluminous, as yet uncopied, exhibits, if the Court was not inclined to grant the extension requested.

Thereafter, your law secretary called and advised that the original papers could be filed in the court on Monday, June 26th.

July 26, 1995

In sum, the only reason for calling Chambers was the emergency circumstances above described and the delay in my receiving the promised call-backs from court personnel.

As to Your Honor's concluding sentence directing that "all further communications with the Court must be in writing", does Your Honor recognize any exception for emergency circumstances? Plainly, as was the case on June 23rd, such requirement would have rendered my request moot by the time my letter would have been received by the Court--there being, additionally, according to your secretary, no fax number at the courthouse to which a written communique can be directed.

I would further point out that at the December 23, 1994 conference, Your Honor explicitly directed that there be "no more letters" from me, thereby disapproving of my prior written communication to the Court.

I would appreciate Your Honor's clarification of the aforesaid inconsistent, onerous, and unjustified rulings, thus restricting my right to communicate with the Court.

I note that Your Honor's June 26, 1995 letter does not indicate the Attorney General as a recipient. In view of same and the fact that this letter is essentially a procedural request for information as to a date on which my order to show cause may be presented for signature, I am, likewise, not sending him a copy of this letter, unless Your Honor so directs.

Most Respectfully,



DORIS L. SASSOWER

DLS/er