

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DORIS L. SASSOWER,

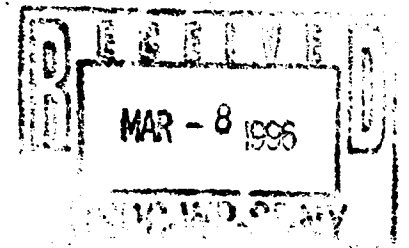
Plaintiff,

94 Civ. 4514 (JES)

Notice of Motion for  
Reargument,  
Reconsideration, and  
Renewal of Order to  
Show Cause for  
Recusal and for  
Other Relief

-against-

HON. GUY MANGANO, PRESIDING JUSTICE  
OF THE APPELLATE DIVISION, SECOND DEPARTMENT  
OF THE SUPREME COURT OF THE STATE OF  
NEW YORK, and the ASSOCIATE JUSTICES THEREOF,  
GARY CASELLA and EDWARD SUMBER, Chief Counsel  
and Chairman, respectively, of the GRIEVANCE  
COMMITTEE FOR THE NINTH JUDICIAL DISTRICT,  
GRIEVANCE COMMITTEE FOR THE NINTH JUDICIAL  
DISTRICT, Does 1-20, being present members  
thereof, MAX GALFUNT, being a Special Referee,  
and G. OLIVER KOPPELL, Attorney General of the  
State of New York, all in their official and  
personal capacities,



Defendants.

-----x  
S I R :

PLEASE TAKE NOTICE that upon the annexed Affidavit of  
Plaintiff pro se, DORIS L. SASSOWER, sworn to on March 8, 1996,  
and the exhibits thereto, and upon the pleadings and all papers  
and proceedings heretofore had herein, the undersigned will move  
this Court at the United States Courthouse, Foley Square, New  
York, New York, on March 22, 1996, at 9:30 a.m. in the forenoon  
of that day or as soon thereafter as counsel and the pro se  
plaintiff can be heard, for an Order granting reargument,

reconsideration, and renewal of Plaintiff's September 26, 1995 Order to Show Cause to recuse this Court, and that on granting such relief, that it grant Plaintiff's motion for its recusal, and that in the event it adheres to its oral ruling denying her recusal motion, that the Court grant immediate preliminary injunctive and TRO relief, and such other and further relief as may be just and proper, including monetary and disciplinary sanctions against Defendants and the Attorney General for their continued frivolous, unethical, and criminal conduct.

Dated: March 8, 1996  
White Plains, New York

Yours, etc.

DORIS L. SASSOWER  
Plaintiff Pro Se  
283 Soundview Avenue  
White Plains, New York 10606  
914/997-1677

To: DENNIS C. VACCO  
Attorney General of the State of New York  
Attorney for the Defendants  
By: Assistant Attorney General Jay Weinstein  
120 Broadway, 24th Floor  
New York, New York 10271

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
DORIS L. SASSOWER,

Plaintiff,

94 Civ. 4514 (JES)

Affidavit in Support  
of Reargument,  
Reconsideration, and  
Renewal of Order to  
Show Cause for  
Recusal and for  
Other Relief

-against-

Hon. GUY MANGANO, PRESIDING JUSTICE  
OF THE APPELLATE DIVISION, SECOND DEPARTMENT  
OF THE SUPREME COURT OF THE STATE OF  
NEW YORK, and the ASSOCIATE JUSTICES THEREOF,  
GARY CASELLA and EDWARD SUMBER, Chief Counsel  
and Chairman, respectively, of the GRIEVANCE  
COMMITTEE FOR THE NINTH JUDICIAL DISTRICT,  
GRIEVANCE COMMITTEE FOR THE NINTH JUDICIAL  
DISTRICT, Does 1-20, being present members  
thereof, MAX GALFUNT, being a Special Referee,  
and G. OLIVER KOPPELL, Attorney General of the  
State of New York, all in their official and  
personal capacities,

Defendants.

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

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

1. This Affidavit is submitted, without prejudice,  
under tremendous, wholly unjustified time pressure involving  
sacrifice by me and others whose help I needed, of all prior  
commitments, including two medical appointments, pursuant to this  
Court's spiteful, sua sponte Order dated March 5, 1996, with  
cover letter of the same date (Exhibits "A-1 and "A-2"), sent to  
me by overnight mail. It is submitted in support of a formal  
motion for reargument, reconsideration, and renewal of my recusal

motion brought on by Order to Show Cause, filed on October 26, 1995, and for other relief. The Court summarily denied such recusal motion from the bench the following day--without issuing any written opinion or order, thereby precluding any right of appeal.

2. This motion is based, inter alia, on new and additional facts occurring since the filing of my original October 26, 1995 Order to Show Cause for this Court's recusal, incorporated herein by reference. In the event recusal is denied, I respectfully ask the Court to grant the other relief requested in my annexed letters, including a preliminary injunction and TRO.

3. The Court's March 5, 1996 Order (Exhibit "A-1"), directing that I "file any further motions in this case by formal notice of motion supported by formal factual affidavits and a memorandum of law ...on or before March 8, 1996", at risk of being otherwise precluded, exemplifies this Court's rabid bias and the urgent need for its immediate recusal. There is no justification whatever for such peremptory and oppressive Order--particularly in face of a record showing deliberate delay, neglect, and continuing unjustified leniency toward Defendants on the Court's part.

4. In view of the physical impossibility of my doing so, given the shortness of time, I am not submitting any new memorandum of law, relying for present purposes on that offered up to the Court when I presented my original recusal motion, and

which, as shown by the October 27, 1995 transcript of the oral argument of my Order to Show Cause for recusal, the Court rejected as untimely (Exhibit "B", Tr. p. 2). Such rejection was clearly arbitrary, illogical, and unfair, even apart from the fact, as I stated, that I had been specifically told by the Court's appointments secretary, Linda Katowski, that the Court did not wish me to file my motion papers in advance but could bring them with me at the time of argument (Tr. p.4). I also rely upon Canon 3E of the A.B.A. Code of Judicial Conduct and general ethical standards.

5. The background to this Court's peremptory March 5, 1995 Order and cover letter (Exhibits "A-1"/"A-2") reflects a deliberate course of conduct by the Court, all of which has been maliciously calculated to injure me and to protect the Defendants from the consequences of their official misconduct. That background is chronicled in four separate letters to the Court, dated December 27, 1995, February 9, 1996, February 23, 1996, and March 5, 1996, annexed hereto as Exhibits "C", "D", "E", and "F", respectively.

6. As detailed therein, the Court, without explanation, refused to respond to or act on those letters. My most recent letter dated March 5, 1996 (Exhibit "F") recounts that when I inquired as to the reason for the Court's failure to act on or otherwise address those most serious letters, Ms. Katowski suggested that it was because they were not "worthy of response".

7. Such cavalier answer is on a par with Ms. Katowski's previous response to my expression of astonishment at the Court's refusal to even sign my Order to Show Cause for a Preliminary Injunction and TRO, when I appeared in Court to present it on September 28, 1995 or to direct any response thereto from the Defendants. Her purported explanation was that it was "maybe because it was frivolous".

8. As my December 27, 1995 letter pointed out (Exhibit "C", at p. 3), my prima facie entitlement to injunctive relief was established by my aforesaid Order to Show Cause and the overwhelming record before the Court establishing my right, as a matter of law, to summary judgment in my favor, as well as to sanctions against Defendants and their counsel for their frivolous, fraudulent, and criminal conduct.

9. My December 27, 1995 letter (Exhibit "C") was occasioned by this Court's November 9, 1995 Order<sup>1</sup>, which I showed was factually erroneous on its face, as well as unsupported by any legal authority.

10. For that reason, my December 27, 1995 letter (Exhibit "C") requested correction and clarification of the November 9, 1995 Order. Notwithstanding defense counsel did not object or challenge my right to such demonstrated relief, the Court ignored and disregarded my letter request, as well as my two subsequent letters, dated February 9, 1995 (Exhibit "D") and

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<sup>1</sup> The November 9, 1995 Order was annexed to my December 27, 1995 letter.

February 23, 1995 (Exhibit "E"), alerting the Court to the severe prejudice to me resulting from the judicial Defendants' refusal to recuse themselves from matters in which I am involved and which are before them for adjudication.

11. As detailed by my February 23, 1996 letter (Exhibit "E"), the Court was only moved to respond when Defendants' counsel, Assistant Attorney General Weinstein contacted it--by telephone--of his desire to make a sanctions motion against me, based upon his patently spurious claim that I had wilfully failed to comply with the November 9, 1995 objected-to, uncorrected, unclarified November 9, 1995 Order. This eager complicity in Mr. Weinstein's affront to the record is a sadistic perversion of the Court's duty.

12. There is no explanation for this Court's purposeful failure and refusal to respond to my letters (Exhibit "C", "D", "E")--or, for that matter, for its similar failure and refusal to sign my Order to Show Cause for Preliminary Injunction and TRO on so as to require Defendants to respond, except for its knowledge that to do so would require it to grant relief to me. Certainly, based on the record before this Court, the Court knows that Defendants cannot respond to my Order to Show Cause for Preliminary Injunction and TRO without committing further perjury.

13. In entertaining Mr. Weinstein's motion for judgment on the pleadings, this Court has turned a blind eye to his demonstrated perjury, as meticulously detailed by me in my

June 23, 1995 opposition papers, as well as in my October 27, 1995 Affidavit in Further Support of a Temporary Injunction and for Sanctions Pursuant to FRCP 56. As reflected by the October 27, 1995 court transcript (Exhibit "B"), this Court apparently takes the utterly inappropriate view that Mr. Weinstein's repeated litigation misconduct--including flagrant perjury and misrepresentations to the Court (Tr.32)--does not affect the integrity of Defendants' motion<sup>2</sup> or call for the evidentiary hearing the Court stated at the March 3, 1995 court conference would be scheduled on October 27, 1995--if Mr. Weinstein did not evidentially establish the truth of his challenged allegations<sup>3</sup>.

14. The October 27, 1995 court transcript (Exhibit "B") is, like the earlier ones submitted on prior motions, replete with evidence of the Court's pervasive bias. These include, inter alia:

(a) permitting Mr. Weinstein the right to orally argue his motion for judgment on the pleadings, but not permitting me no meaningful opportunity to respond to his arguments or to the Court's questions when it took over the argument for defense counsel (Exhibit "B", pp. 16, 20);

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<sup>2</sup> The transcript shows that Mr. Weinstein--when not misrepresenting fact and law to the Court, responded to it with sheer gobbledy-gook. (Exhibit "B", pp. 12-14, 26, 28)

<sup>3</sup> See, Exhibit 1" to my June 23, 1995 Affidavit, quoting from and annexing as Exhibit "A" thereto the March 3, 1995 transcript (at p.8, l.16). It may be noted that the October 18, 1990 Order, which Mr. Weinstein claims establishes an "underlying proceeding" was meticulously detailed as fraudulent not only at ¶¶79 of my Verified Complaint, but in my Rule 3(g) Statement (at pp. 4-5).



(b) totally denying me the right to orally argue my application for summary judgment in my favor and for sanctions against the Defendants and their counsel (Exhibit "B", p. 19);

(c) persisting in ignoring (Exhibit "B", pp. 13, 21, 29, 30, 33) the case law authority cited and discussed at pages 8-14 of my Affidavit in support of my Order to Show Cause for Recusal, as well as in Point IV of my June 23, 1995 Memorandum of Law in opposition to Defendants' dismissal motion, that the federal court has subject matter jurisdiction to intervene where the state proceedings are brought in bad-faith, without basis in fact or law, and where the state tribunal is biased; thereby pretending that its subject matter jurisdiction was limited to addressing the constitutionality of the attorney disciplinary law facially, but not as applied to me<sup>4</sup>; and

(d) ignoring Point V of my June 23, 1995 Memorandum of

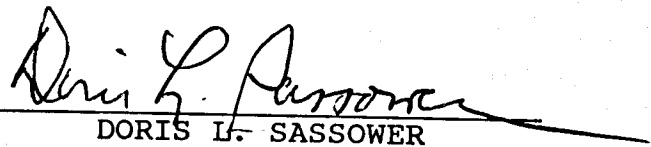
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<sup>4</sup> The judicial Defendants have impliedly conceded the validity of my constitutional objections to the June 14, 1991 interim suspension order by their sub silentio change in their former practice with respect to interim suspension orders. Annexed as Exhibit "G" is their most recent order, dated March 1, 1996, overcoming objections raised by me in my various legal challenges. In sharp contrast to the raw misuse of disciplinary power occurring in my case, the order shows that the judicial Defendants now explicitly rest such orders "upon a finding that [the accused attorney] is guilty of professional misconduct immediately threatening the public interest", make specific findings showing the factual basis thereof, direct a post-suspension hearing within 30 days, and identify with particularity the committee action that preceded the Grievance Committee's motion to suspend. It may be noted, moreover, that such interim suspension is based on uncontroverted evidence of professional misconduct, not a contested case such as mine where, as Defendants well know, the alleged single "failure to cooperate" was from the outset and at all times thereafter categorically denied and documentarily disproved by me.

Law that, based on Stump v. Sparkman, there is no judicial immunity in this case (Cf, Point V of my aforesaid Memorandum of Law with Exhibit "B", pp. 23, 25, 29).

(e) using outrageous intimidation against me and my daughter-assistant, including unjustified threat of the Court's contempt power and threat of removal (Exhibit "B", pp. 10, 24)<sup>5</sup>.

WHEREFORE, it is respectfully prayed that this Court grant reargument, reconsideration, and renewal of Plaintiff's September 26, 1995 Order to Show Cause to recuse this Court, and that on granting such relief, that it grant recusal, as requested in the instant Notice of Motion, and that in the event recusal is denied, that the Court grant immediate preliminary injunctive and TRO relief, and such other and further relief as may be just and proper, including monetary and disciplinary sanctions against Defendants and the Attorney General for their continued frivolous, unethical, and criminal conduct.

  
DORIS L. SASSOWER

Sworn to before me this  
8th day of March 1996

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Notary Public

<sup>5</sup> As a result of the upset caused by the Court's belligerent and hostile treatment--the inquiry posed by the Court as to where in my Complaint I allege that the "interim" suspension Order did not have an "underlying" proceeding was unanswered. The response is ¶¶ 67-9, 79(a)-(e), 83, 87-88, 99, 108-9, 158)--which has been provided to the Court several times, including in Exhibit "1" to my June 23, 1995 Affidavit (at p. 2) and at page 2 of my June 23, 1995 Memorandum of Law.