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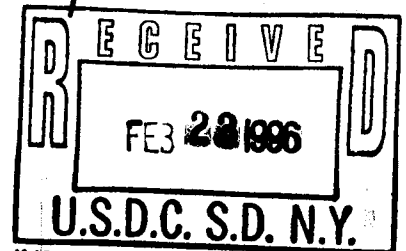
U R G E N T--PRIORITY ATTENTION REQUESTED

By Hand

February 23, 1996

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

JAW
2/23/96
11:05 pm



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

Dear Judge Sprizzo:

This letter again protests this Court's prejudicial disregard of my rights and its favored treatment of Assistant Attorney General Weinstein, whose misconduct--on behalf of the defendants--has been repeatedly documented by me in the record before this Court.

This Court has still not responded to my two letters to this Court, dated December 27, 1995 letter and February 9, 1996 (Exhibits "A" and "B", respectively), requesting clarification as to the purpose and legal basis of your Honor's facially erroneous November 9, 1995 Order¹, sent to me in an envelope bearing a postmark of December 7, 1995.

Nor has the Court responded to the recitation in my February 9, 1996 letter as to the irreparable prejudice to me caused by the Court's inaction on my September 26, 1995 Order to Show Cause for a preliminary injunction--which your Honor refused even to sign. Indeed, the last paragraph of my February 9, 1996 letter stated:

"unless I hear from the Court by Monday, February 12, 1996, I will have no alternative but to burden it with another Order to Show Cause--in which case I ask the Court to direct its appointments secretary to notify me as to the date and time such Order to Show Cause may be presented."

¹ See p. 1 of my December 27, 1995 letter, listing those errors seriatim. The November 9, 1995 Order is enclosed therewith.

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By contrast, Assistant Attorney General Weinstein appears to have no difficulty in eliciting a response to his telephone communications with the Court--even when they are frivolous--and known to be such by the Court.

At about 5:00 p.m. on Tuesday, February 13, 1995, Mr. Weinstein phoned me with certain dates he said were given him by Ms. Kotowski for a pre-motion conference. Initially, I believed his call was pursuant to the Court's direction--as its response to the last paragraph of my aforesaid February 9, 1996 letter (Exhibit "B"). However, this was not the case at all. Rather, Mr. Weinstein was giving me dates for a Rule 41 sanction motion he intended to make against me for allegedly "not cooperating" with the Court's aforesaid November 9, 1995 Order--which for the past six weeks I have been endeavoring to have the Court clarify.

Mr. Weinstein confirmed that he had received my December 27, 1995 and February 9, 1996 letters (Exhibits "A" and "B") seeking clarification of the November 9, 1995 Order. Mr. Weinstein had not objected or otherwise responded to those letter requests and he confirmed that he knew the Court had not responded to them. I, therefore, asked Mr. Weinstein how he could make so plainly frivolous a sanction motion based on the November 9, 1995 Order. Mr. Weinstein would not respond except to tell me that he would call the Court and inform it that I was "not cooperating" with him and that I was unwilling to agree on any dates for a pre-motion conference.

I vehemently denied this and told Mr. Weinstein I would telephone Ms. Kotowski the following morning. However, within less than an hour later--sometime before 6 p.m.--Ms. Kotowski called, telling me she wanted to set a date for the pre-motion conference proposed by Mr. Weinstein. No mention was made about my pressing concerns, as set forth in my December 27, 1995 and February 9, 1996 letters to the Court and the telephone messages I had left for Ms. Kotowski--which she acknowledged had not been answered.

I reported to Ms. Kotowski my aforesaid telephone conversation with Mr. Weinstein, including his threat to prejudice the Court against me by the false claim that I was "not cooperating", which I categorically denied. Ms. Kotowski promised she would get back to me the next day.

However, early the next morning, I telephoned Ms. Kotowski myself, and advised her that because of the imminent appeal deadlines I was facing in the Valley and Wolstencroft cases--as more specifically detailed in my February 9, 1996 letter (Exhibit "B")--I wished a date for the proposed pre-motion conference earlier than those mentioned by Mr. Weinstein.

Ms. Kotowski advised me that no other dates were available and we agreed on February 27, 1996. I asked that she convey my request that the case be assigned to another judge, since according to Ms. Kotowski, you were "too busy with other cases" to advance it.

Such reassignment would have been particularly appropriate in light of my prior motion for the Court's recusal based on its actual and apparent bias, reflected, inter alia, in your Honor's refusal to give me relief to which I was entitled, most particularly, your Honor's legally unjustified refusal to sign my September 26, 1996 Order to Show Cause for a Preliminary Injunction, with TRO.

I am now informed, however--by a February 20, 1996 telephone message from Ms. Kotowski on my voice mail--that the February 27, 1996 pre-motion conference with Your Honor is "cancelled", and there will be "no conference, no conference at all". Ms. Kotowski's telephone message further stated that Mr. Weinstein's motion would be "taken under advisement by the Court" and I would be notified in 30 days as to whether same should be answered. No word was mentioned by Ms. Kotowski as to my request for a pre-motion conference on the stay relief I exigently require--as detailed in my February 9, 1996 letter (Exhibit "B").

Indeed, last week--I prepared an Order to Show Cause on the Valley case. Predictably, the judicial Defendants continued to express their retaliation against me by refusing to recuse themselves and refusing to sign the Order to Show Cause, presented to them on Friday, February 16th. Said Order to Show Cause sought a stay and TRO, inter alia, pending this Court's now-cancelled February 27, 1996 conference, which my papers informed the judicial defendants would address the matter of their continued wrongful refusal to recuse themselves.

By the aforesaid legally unauthorized refusal to afford me relief via an Order to Show Cause and a TRO, the judicial defendants once again knowingly, deliberately, and maliciously, discriminated against me, unfairly favoring my adversary, and sought to cause my default in my Valley appeal--even while they know that I am entitled, as a matter of law, to the relief requested. Annexed hereto as Exhibit "C" is a copy of the proposed Order to Show Cause in Valley, which the judicial defendants "declined to sign" last Friday afternoon.

In a further effort to obtain the TRO before being thrown into default, I and my counsel re-presented the Order to Show Cause yesterday, February 21, 1996. Again, however, the judicial Defendants denied the TRO pending the hearing and determination of the motion--the sole purpose of our appearing before the Court. At that point, as the Court was made aware, I had already

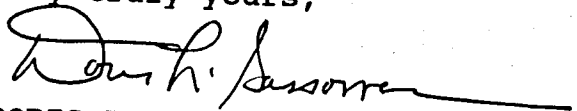
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been put to the burden and expense of bringing on the motion by notice of motion returnable on March 1, 1996.

I am severely prejudiced by the Court's continued callous indifference to the overwhelming time and financial pressures being needlessly thrust upon me and the irreparable and monumental losses I am suffering, and will surely suffer in the appeals², in the absence of this Court's intervention. This is in addition to the Court's failure to stay enforcement of the judicial Defendants' still extant unlawful June 14, 1991 "interim" suspension order. As noted in my December 27, 1995 letter (Exhibit "A"), the Court has failed to direct Mr. Weinstein to even respond to my overwhelming and documented September 26, 1995 Order to Show Cause.

If the Court will not do its duty to protect me by granting me the urgently-required injunctive relief, I ask that this letter be accepted as a renewal of my previous motion for this Court's recusal. That motion is incorporated herein by reference. If Your Honor wishes me to make another formal motion for such relief, please advise me with all speed as to alternative early dates for a pre-motion conference.

Very truly yours,



DORIS L. SASSOWER

Enclosures

cc: Assistant Attorney General Weinstein
Thomas P. Griesa, Chief Judge, Southern District

² A copy of my Notice of Appeal in Wolstencroft is annexed hereto as Exhibit "D".