

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DORIS L. SASSOWER, :  
 :  
 Plaintiff, :  
 :  
 -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 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

94 Civ. 4514  
(JES)  
Pro Se

MEMORANDUM OF LAW IN REPLY  
TO PLAINTIFF'S CROSS-MOTION  
FOR SUMMARY JUDGMENT AND IN  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR SANCTIONS

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This memorandum is submitted on behalf of defendants, in further support of their motion for judgment on the pleadings, in reply to plaintiff's motion for summary judgment, and in opposition to plaintiff's motion for sanctions.

Plaintiff's request for sanctions is without merit. Plaintiff alleges that defendants' answer is "frivolous" because it

"lumps together all the Defendants." See Plaintiff's Affidavit, sworn to June 23, 1995, p.3. Because the allegations contained in plaintiff's complaint themselves are specifically addressed to one, more than one, or none of the defendants in this action, it is unnecessary to specifically allege in defendants' answer which defendant or defendants are responding to a specific allegation. Accordingly, defendants' answer is neither "frivolous" nor sanctionable.

In addition, defendants' statement that plaintiff's suspension arose "during an underlying disciplinary proceeding pending against her" is not a "knowing and deliberate fraud" as plaintiff alleges. Defendants' statement was made upon a reasonable inference from statements contained in the complaint and supported by court documents of which this Court may take judicial notice. Plaintiff states in her complaint that she has been served with three disciplinary petitions, dated February 6, 1990, January 28, 1993 and March 25, 1993. See Compl., ¶¶ 59, 151 and 162. Nowhere in the complaint does plaintiff allege that the disciplinary petitions have been dismissed. Plaintiff also states that by Order of defendant Justices, dated June 14, 1991, plaintiff was suspended from the practice of law. See Id., ¶ 93 and Plaintiff's Exh. A. And to this date, disciplinary proceedings against plaintiff are still pending. See Order of defendant Justices, dated February 24, 1995, ("Ordered that ... [plaintiff's] ... disciplinary proceedings are held in abeyance pending her compliance with the court's order of October 18, 1990"). It stands

to reason that if plaintiff was served with a disciplinary petition, dated February 6, 1990, which was never dismissed and is still extant, and was suspended on June 14, 1991, then in fact plaintiff was suspended during the pendency of a disciplinary proceeding. Accordingly, plaintiff's request for sanctions are without merit.

CONCLUSION

For the reasons stated above, as well as in defendants' initial motion papers, the complaint should be dismissed and plaintiff's request for sanctions denied.

Dated: New York, New York  
October 6, 1995

Respectfully submitted,

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