

Betty Waver

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BY HAND

May 25, 1995

Attorney General of the State of New York
120 Broadway
New York, New York 10271

ATT: Assistant Attorney General Amy L. Abramowitz

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

Dear Ms. Abramowitz:

This confirms our telephone conversation earlier this month, wherein I put you on notice that unless the Dismissal Motion and Answer of Assistant Attorney General Jay Weinstein were withdrawn, you, as successor to Assistant Attorney General Weinstein, would be charged with personal liability for the sanctions indicated by Judge Sprizzo at the February 3, 1995 court proceedings.

Inasmuch as you indicated that you had not seen the transcript of that day's court proceedings before Judge Sprizzo, a copy is annexed hereto as Exhibit "A".

Specifically, I direct your attention to the following:

[Tr., pp. 6-7]

DLS: "...[t]his [dismissal] motion made by Mr. Weinstein contains a pivotal, deliberately false statement as well as other misrepresentations and omissions of material fact, I wish to start the Rule 11 clock here and now.

...
The first paragraph starts out with the pivotal, pivotal statement that the suspension arose out of an underlying disciplinary proceeding pending against me. Now, that is a lie. It has been stated --

Court: Is it a lie? I take a very dim view of lawyers telling me lies. Is this a lie?

Weinstein: "It is not a lie, your Honor."

Court: "If it is a lie, Rule 11 will be the smallest sanction you face. Suspension of practicing in the court will be the one you will likely face."

...
[Tr., p. 11]

Court:

"...To the extent that you are making a motion to dismiss, you are arguing to me that the pleadings construed in your favor or in her favor, giving her papers the most generous reasoning I can, she is entitled to no relief...

Now, to the extent that she argues that the statements are false contained in your papers, if I think I need a factual hearing under oath which requires the taking of testimony, I will schedule one on October 27th and I will make fact findings. And if I find that a lawyer has testified falsely, I will make an appropriate recommendation to the Bar Association as to the offending party. So do not be loose with the truth, and especially do not be loose with the truth under oath because I have very little patience with that. That is true of you, that is true of her.

This is not a place where anyone gets a free ride. Whatever you do and whatever you say in my courtroom you will be asked to account for. There will be consequences here. So be careful what you say in your motion papers. They better be true.

[Tr, pp. 16-17]

DLS:

"...I have ten allegations of my complaint stating that my suspension was unrelated to any pending disciplinary proceeding, that there was no underlying disciplinary proceeding. Mr. Weinstein predicates his dismissal motion on a false statement; in other words he is not accepting it to be true. He is representing to the Court that my complaint says the opposite of what it says. My complaint does not state that."

So as to facilitate your review of the allegations of my Verified Complaint, I direct your attention, specifically, to ¶¶67, 68, 69, ¶¶79(a)-(e), 83, 87, 88, 99, 108, 109.

Such paragraphs, among others, clearly and unequivocally state that there is no underlying disciplinary proceeding to my suspension and that any representation to the contrary is a knowing and deliberate fraud.

Nonetheless, Mr. Weinstein, in his "Memorandum of Law in Support of Defendants' Motion for Judgment on the Pleadings", pretends the very opposite. Thus, in the very first sentence of his

"Statement of the Case", Mr. Weinstein, who thereafter recites that the complaint for purposes of this motion "is assumed to be true"¹, represents my Verified Complaint as follows:

"Plaintiff pro se brings this action under 42 U.S.C. §1983, claiming that defendants deprived her of her constitutional rights by acting, individually and in concert, and with improper motive, to suspend her professional license to practice law during an underlying disciplinary proceeding pending against her. (Complaint ('Compl. '), ¶¶1 and 26." (p. 2, emphasis added)

Examination of the aforesaid ten allegations of my Verified Complaint, including paragraphs 1 and 26 cited by Mr. Weinstein, shows his representation that my Verified Complaint claims an "underlying disciplinary proceeding" to be completely false and diametrically opposite to said allegations. Ironically, the relevance of paragraph 26 is that it alleges that the Attorney General has, through "perjury and deceit", covered up the misconduct of Defendants--and Mr. Weinstein's has given further demonstrative evidence of same by his Dismissal Motion and Answer.

As to the Answer filed by Mr. Weinstein, it is no less sanctionable. Quite apart from the fact that Mr. Weinstein has lumped all the different Defendants together in a single Answer--thereby representing identical levels of knowledge--the Answer is completely false and fraudulent.

Overwhelmingly, Mr. Weinstein, on behalf of his clients, "denies" or "denies knowledge and information sufficient to form a belief" as to virtually all the allegations of the Verified Complaint. Yet, the majority of allegations cite court documents--examination of which requires said allegations to be admitted as true.

Indeed, in December 1994, Mr. Weinstein, who was arranging to obtain from me a stipulation extending his time to answer, was informed by my daughter that the truth of the factual allegations of the Verified Complaint could be further verified by comparing them to the allegations of a 54-page document entitled "Chronology", annexed to my Article 78 proceeding, which was annotated with precise record references--even including page citations--to the disciplinary files, as organized and previously

¹ See, last sentence on page 2 of Mr. Weinstein's Memorandum of Law

transmitted by me to the Attorney General's office².

A copy of said "Chronology", served upon the Attorney General on July 19, 1994 as Exhibit "J" to my motion to the Court of Appeals in my Article 78 proceeding for reargument, reconsideration, leave to appeal, and other relief, is annexed hereto as Exhibit "B". The cross-references to the record are highlighted in yellow to assist you.

I am also annexing (as Exhibit "C") a copy of my hand-delivered March 8, 1994 letter to Attorney General Koppell which transmitted the disciplinary files to him and, additionally provided him with a detailed comprehensive Inventory³. Such Inventory was designed to facilitate his review of the files so as to permit him to verify that, as alleged in the Article 78 proceeding, each and every court order in the disciplinary files was, in addition to being jurisdictionally void and legally unfounded, factually baseless as well.

To further assist you in recognizing the fraudulent and deceitful nature of Mr. Weinstein's Answer, annexed hereto as Exhibit "D" is a Critique of his demonstrably sanctionable responses. Such Critique, additionally, cross-references Mr. Weinstein's responses to the allegations of my Verified Complaint with the allegations of my aforesaid "Chronology".

I would further point out that examination of the documents from the disciplinary file identified by the pertinent allegations of the "Critique" will establish that not only for the purposes of a dismissal motion must the repeated allegations of my Verified Complaint that there is no underlying disciplinary proceeding be ASSUMED TRUE, but that, documentarily, they ARE TRUE [See, inter alia, Critique ##37, 38, 44, 47, 50, 62, 71].

From the foregoing, you have more than fair warning and notice of the seriousness of the sanctions you will face should you also fail to immediately withdraw Mr. Weinstein's Answer and Dismissal Motion.

² Such information was also made known by my daughter to Assistant Attorney General Oliver Williams, with whom she personally spoke at great length, following the December 23, 1994 court proceedings. Like Mr. Weinstein, Mr. Williams was previously assigned to this case.

³ Said letter and Inventory were, additionally, provided to the Attorney General's office as part of my Article 78 proceeding [Exhibit "7" to the March 14, 1994 letter of Evan Schwartz, Esq. in support of jurisdiction by the Court of Appeals].

May 25, 1995

Review of my extensive correspondence with Attorney General Koppell--all of which was annexed to my Article 78 proceeding⁴-- shows repeated attempts on my part to assist him in doing his duty to protect the public from corruption within the state judiciary and by its at-will appointees involved in the attorney-disciplinary process. I, likewise, remain ready and willing to assist you and Attorney General Vacco in that endeavor. Upon request, I am ready to provide you with any and all documentation not already in your possession or control so that you may do your duty to ascertain the true facts. Should you wish a duplicate copy of the file, as inventoried and delivered to you on March 8, 1994--but thereafter returned to me--I am more than willing to provide same.

I remind you that the Attorney General's obligation is not to engage in spurious pretenses but to investigate the evidence that has already been presented and that is again being proffered.

Please let me know before June 5th as to your intentions. On that date, I intend to retain counsel to prepare a comprehensive sanction motion. In view of the overwhelming documentary presentation of the deceit and other misconduct of your office on the Answer and Dismissal Motion, I expect Judge Sprizzo will impose the expense I incur thereby on your office and on you personally and will, as stated by him at the February 3, 1995 proceedings, direct a disciplinary referral.

Since Judge Sprizzo has stated that he does not wish to receive correspondence, a copy of this is not being sent to him. However, should you fail to withdraw Mr. Weinstein's demonstrably fraudulent and bad faith Dismissal Motion and Answer, it will be the first exhibit supporting my sanction motion.

Very truly yours,



DORIS L. SASSOWER

DLS/er
Enclosures

⁴ See, Exhibits "2", "4", "5", "6", "7", "8", and "9" to Mr. Schwartz' March 14, 1994 letter to the Court of Appeals and Exhibits "M", "N", "O", "P" and "R" to my July 19, 1994 motion to the Court of Appeals for reargument, reconsideration, leave to appeal, and other relief.