UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DORIS L. SASSOWER,

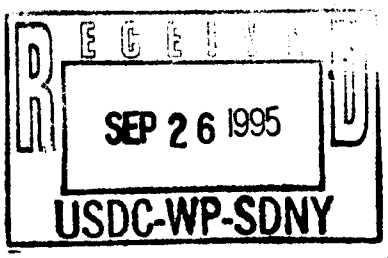
Plaintiff,

94 Civ. 4514 (JES)

ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION AND TRO

-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.

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UPON the Affidavit of Plaintiff, DORIS L. SASSOWER, sworn to on September 25, 1995, the exhibits thereto annexed, her accompanying Memorandum of Law, and upon the pleadings and all the papers and proceedings heretofore had herein, and it appearing that Plaintiff is entitled, pursuant to Rule 65 of the Federal Rules of Civil Procedure, to a preliminary injunction pending the determination of this action to prevent continuing, immediate, and irreparable injury, it is

ORDERED, that Defendants and their counsel and appear before the Honorable John E. Sprizzo, a judge of this Court, in the United States Court House, at 40 Foley Square, New York, on the day of 1995 at o'clock in the of that day or as soon thereafter as counsel can be heard to show

cause why this Court should not issue a preliminary injunction, as prayed for by the Plaintiff:

(1) Enjoining continued enforcement of the judicial Defendants' June 14, 1991 Order suspending Plaintiff's license to practice law;

(2) Enjoining the judicial Defendants from adjudicating any litigation in which Plaintiff is involved, directly or indirectly; and

(3) Granting such other and further relief as may be just and proper, including such steps as may be required to vacate the February 27, 1992 order of this Court (per Thomas Griesa, J.) suspending Plaintiff's license to practice law in this District; and

LET a copy of this Order to Show Cause be served upon Defendants forthwith, together with the supporting papers on which it is based, by personal delivery upon their attorney, the Attorney General of the State of New York, at his office at 120 Broadway, New York on or before the day of September 1995 be deemed good and sufficient service.

Answering papers, if any, to be served at least days before the return date of this motion, and a reply, if any, day(s) prior to the return date.

AND IT IS FURTHER ORDERED that pending the hearing and determination of this motion, all enforcement of the June 14, 1991 Order suspending Plaintiff's law license shall be, and hereby is, stayed so as to restore Plaintiff to all of her rights

and privileges as a member of the Bar and the judicial Defendants shall be, and they hereby are, further stayed from adjudicating any and all matters involving Plaintiff.

Dated: September 28, 1995

E N T E R

U.S. District Judge John Sprizzo
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DORIS L. SASSOWER,

Plaintiff,

-against-

94 Civ. 4514 (JES)

Plaintiff's Affidavit In Support of Preliminary Injunction and for a TRO

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.

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STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

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

1. I am the above-named Plaintiff, fully familiar with the facts, papers, and proceedings hereinafter referred to.

2. This Affidavit and my accompanying Memorandum of Law are submitted in support of the instant Order to Show Cause, pursuant to Rule 12 of the Federal Rules of Civil Procedure, seeking injunctive relief to which I have a clear right under the undisputed evidentiary facts and the law applicable thereto. The preliminary injunction I seek during the pendency of this action is one which would temporarily restrain the judicial Defendants, their agents, employees, attorneys, and all persons in active

concert and participation with them, from enforcing their unconstitutional and unlawful charge-less, finding-less, and hearing-less June 14, 1991 "interim" Order (Exhibit "A"), suspending me from the practice of law.

3. Additionally, I ask that such preliminary injunction also enjoin the judicial Defendants from adjudicating any matters involving me pending the outcome of this action (Cf., Compl. ¶6) by reason of their demonstrated actual bias. In case after case of mine, whether or not related to the disciplinary proceedings unjustly brought against me under A.D. #90-00315, the judicial Defendants have shown their virulent animus toward me by refusing to disqualify themselves in order to render decisions which are fabricated as to material facts and completely bereft of evidentiary and legal support. This has been done to further retaliate against me by depriving me of relief to which I am entitled as a matter of constitutional right and black-letter law. By such deliberately dishonest decisions, the judicial Defendants have not only robbed me of my property in the millions of dollars, but of my good name and reputation of immeasurable, priceless value, reflected in my "AV" rating by Martindale-Hubbell's Law Directory and my election as a Fellow of the American Bar Foundation (Exhibit "B").

4. Consequently, unless the judicial Defendants are restrained by this Court from adjudicating cases in which I am involved, I face continuing immediate and irreparable loss of, and injury to, my property, liberty, and reputational interests,

since the record overwhelmingly demonstrates that they will persist in their lawless conduct and continue to trample upon my constitutional rights.

5. There is no loss to Defendants by the granting of my request for a preliminary injunction herein pending the outcome of this action and for a temporary restraining order pending the hearing and determination of this motion.

PROCEDURAL BACKGROUND

6. The material facts concerning the due process-less and retaliatory manner in which my law license was suspended under a so-called "interim" Order (Exhibit "A") issued by the judicial Defendants more than four years ago are undisputed. Such undisputed evidentiary facts are concisely set forth in my uncontroverted 3(g) Statement, annexed hereto as Exhibit "C" for the Court's convenience. The same, inter alia, repeats, reiterates, and incorporates by reference the allegations of my Verified Complaint herein.

7. My Verified Complaint seeks a declaratory judgment declaring the June 14, 1991 "interim" suspension Order null and void, as well as all disciplinary orders issued under A.D. #90-00315 (Compl., ¶2, "WHEREFORE" clause, at p.70). It chronicles a long-standing, ongoing Dombrowski[1]-type campaign of lawless and harassing conduct by Defendants, aided and abetted by their attorney, Defendant New York State Attorney General (Compl.

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1 Dombrowski v. Pfister, 380 U.S. 479 (1965).

¶10), in retaliation for my having exposed and challenged the fraudulent, illegal, and unconstitutional acts of certain powerful, politically-connected judges and lawyers in New York's Ninth Judicial District by an Election Law proceeding entitled Castracan v. Colavita[2] (Compl. ¶¶3, 76-79, 90-94).

8. Defendants' retaliatory and vindictive conduct against me includes the issuance and perpetuation of the false, fraudulent, and jurisdictionally-void June 14, 1991 "interim" Order (Exhibit "A"), immediately, unconditionally, and indefinitely suspending my law license--served upon me the day before the last day to file the Notice of Appeal with the New York Court of Appeals from the lower courts' dismissal of Castracan v. Colavita (Compl. ¶103). In violation of the judicial Defendants' own rules (22 NYCRR §691.4(l)) (Exhibit "G-3"), such "interim" suspension Order neither makes nor rests on any finding that I was guilty of professional misconduct or in any way a threat to the public interest, immediate or otherwise, and states no reasons for the suspension (Compl. ¶¶1, 3, 4, 94).

9. As further pleaded, no hearing was afforded me prior to issuance of the June 14, 1991 suspension Order and

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[2] The subject of that lawsuit, brought by me as pro bono counsel on behalf of registered Republican and Democratic voters of the Ninth Judicial District, was an unprecedented written cross-endorsement deal (Compl. Exhibit "B"), made in 1989 between the leadership of the two major political parties, providing for an agreed trade of seven judgeships over a three-year period, including the Westchester County Surrogate judgeship, with contracted-for resignations to create vacancies and a pledge to split party patronage. Additionally, the lawsuit challenged the illegally conducted judicial nominating conventions that implemented the written deal (Compl, ¶¶46, 52, 76).

Defendants have repeatedly denied me any hearing as to its alleged basis in the more than four years that have since elapsed (Compl. ¶¶3, 4, 134, 143-146(a), 147-148, 159, 165), Likewise, Defendants have consistently opposed and denied all my many requests for independent judicial review. The judicial Defendants have not only repeatedly refused to grant me leave to appeal to the New York Court of Appeals (inter alia, Compl. ¶143) in the disciplinary proceedings under A.D. #90-00315, but subverted the integrity of my Article 78 proceeding challenging their misconduct in the aforesaid disciplinary matters by refusing to recuse themselves therefrom (Compl. ¶¶183-4).

10. The foregoing is succinctly summarized at pages 3-7 of my petition for certiorari to the U.S. Supreme Court in my Article 78 proceeding, annexed to my June 23, 1995 Affidavit as Exhibit "2"--to which I respectfully refer the Court. Points I-IV specifically detail the profound constitutional issues relating to the charge-less, finding-less, hearing-less "interim" suspension of my license--as to which the state courts have denied me any and all appellate review.

11. Following service of my Verified Complaint on October 14-17, 1994--requiring Defendants to serve an answer within 20 days--they sought two adjournments. By Order dated November 14, 1995 (Exhibit "D"), this Court extended their time to answer to December 15, 1995. On December 23, 1994, at this Court's scheduled status conference, Defendants, then in default--having failed, without excuse, to serve their answer--succeeded

in obtaining an extension of time to answer to January 3, 1995, without any showing of cause or merit. The Court also gave them until January 19, 1995 to serve a dismissal motion and scheduled the next conference date for March 3, 1995, stating that I would be notified as to whether a response to Defendants' motion was required. The aforesaid directions were embodied in a Court Order dated December 28, 1994 Order (Exhibit "E").

12. At the scheduled March 3, 1995 conference[3], the Court announced that Defendants' dismissal motion was "colorable", directing my opposition papers by June 23, 1995--with argument of the motion to be calendared for October 27, 1995 (Tr. p. 11)[4].

13. Although I attempted to argue the Court's ruling that Defendants' dismissal motion was "colorable" by specifically showing it contained false and perjurious statements which had served to mislead and deceive the Court, I was precluded from doing so. The Court ruled, instead, that I would have to include such information in my opposing papers (Tr. pp. 6-9). The Court did, however, deliver a stern admonition to the parties as to the consequences of lying to the Court (Tr. pp. 7, 11-12), stating that if it determined that a hearing was required, it would schedule same at the October 27, 1995 oral argument.

14. The Court further ruled that I could move for

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[3] The transcript of the March 3, 1995 conference is annexed to my June 23, 1995 Affidavit as Exhibit 1-A.

[4] The Court's disposition at the March 3, 1995 conference was set forth in its March 6, 1995 Order (Exhibit "F").

summary judgment, as well as a preliminary injunction. I apprised the Court that such relief was essential, inter alia, to prevent the judicial Defendants from further retaliation against me in pending matters in which I was involved (Tr. pp. 14-15). I explicitly identified as one such example the Wolstencroft case, in which the judicial Defendants had adjudicated my appeals, notwithstanding my objection that they were disqualified on bias grounds and, particularly, by reason of their direct interest in the outcome, since the issues on the appeals were encompassed in the pleaded allegations of my instant §1983 Complaint against them (Compl. ¶¶121-124, 131, 140, 142, 146(b), 151, 153, 189-190).

15. On June 23, 1995, in compliance with the court-imposed deadline, I served my papers in opposition to Defendants' Rule 12 dismissal motion. As authorized by Rule 12, I requested the Court to convert Defendants' dismissal motion into one for summary judgment in my favor. I also asked for sanctions against Defendants and their counsel personally.

16. The instant motion, with leave of Court, is directed to my request for injunctive relief.

MY UNCONTROVERTED JUNE 23, 1995 SUBMISSION ENTITLES ME, AT MINIMUM, TO A PRELIMINARY INJUNCTION, STAYING ENFORCEMENT OF THE JUDICIAL DEFENDANTS' JUNE 14, 1991 "INTERIM" SUSPENSION ORDER

17. My June 23, 1995 opposition to Defendants' dismissal motion--consisting of my Affidavit in Opposition, my Memorandum of Law, and a Rule 3(g) Statement in support of my right to summary judgment pursuant to Rule 12--are incorporated herein by reference. They establish that Defendants' dismissal motion, aside from being procedurally improper[5], is premised on deliberate falsification and misrepresentation of the pleaded allegations of my Verified Complaint and of the relevant controlling law.

18. By reason of the exhibits annexed to my June 23, 1995 Affidavit, delineating the documentary proof in Defendants' possession, custody, or control of the truth of the allegations of my Verified Complaint and the knowing falsity of Defendants' Answer (See, 6/23/95 Aff. ¶¶6-17), I requested that Defendants' motion for "Judgment on the Pleadings" under Rule 12(c) be converted into one for summary judgment and disposed of as provided by Rule 56 (see ¶19 of my 6/23/95 Aff).

19. In requesting summary judgment relief, I expressly repeated, reiterated, and realleged, both in my June 23, 1995 Affidavit (at ¶19 thereof) and in my Rule 3(g) Statement (at ¶2 thereof), all the serious allegations pleaded in my Verified Complaint.

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[5] See, Memo of Law, pp. 4-5, Affidavit, ¶¶3-5.

20. Defendants have not controverted the facts set forth by me in support of my June 23, 1995 request for conversion of their dismissal motion into one for summary judgment in my favor and their time to do so has long expired. Defendants have similarly failed to deny or controvert my Rule 3(g) Statement (Exhibit "C") in further support thereof.

21. Consequently, my factual and legal entitlement to summary judgment is not a matter of discretion, but of right.

FACTUAL AND LEGAL BASIS FOR INJUNCTIVE RELIEF

22. At the March 3, 1995 court conference, this Court stated:

> "...the issue of whether there should or should not be injunctive relief will rise or fall, then, on the merits of the underlying lawsuit." (at p. 16).

23. By failing to oppose my application for summary judgment, Defendants have effectively conceded the merits of the underlying lawsuit and the lack of a meritorious defense thereto. Thus, my right to success on the merits is absolute--amply meeting the Court's aforesaid criterion for granting injunctive relief.

24. As reflected, inter alia, at ¶¶94, 134, 145 of my Verified Complaint and detailed in my cert petition in my Article 78 proceeding--incorporated as part of my summary judgment application--decisional law of New York's highest court requires immediate vacatur of finding-less interim suspension orders, Matter of Nuey, 61 N.Y.2d 513 (1984), and Matter of Russakoff, 79

N.Y.2d 520 (1992). Those cases, as well as the explicit requirement of the judicial Defendants' own interim suspension rule (22 NYCRR §691.4(l)), are dispositive of my right to injunctive and stay relief as a matter of right, not discretion. For the Court's convenience, copies of those controlling cases, as well as the judicial Defendants' own aforesaid court rule, are annexed hereto as Exhibits "G-1", "G-2", and "G-3", respectively.

25. Additionally entitling me to vacatur is the acknowledgement in Nuey (Exhibit "G-1") that there is no statutory authorization for the "interim" suspension of an attorney's license (Compl. ¶¶211-216) and the implied recognition in Russakoff (Exhibit "G-2") that the judicial Defendants' "interim" suspension rule (22 NYCRR §691.4(l)) is, on its face, constitutionally infirm in failing to provide for a prompt post-suspension hearing (See, cert petition, Points IV and I).

26. As hereinabove set forth, Defendants have repeatedly denied me a post-suspension hearing as to the alleged basis upon which I was suspended without a hearing.

27. The record before this Court shows that this §1983 action was commenced because I have no remedy in the state courts by reason of Defendants' profound denial of my Fourteenth Amendment right to due process and equal protection, as reflected, inter alia, by their repeated refusal to vacate my finding-less, hearing-less suspension--to which I am absolutely entitled as a matter of law under Nuey and Russakoff (Exhibits

"G-1", "G-2")--and the repeated refusal of the New York State Court of Appeals to grant review, either by leave or by right[6].

28. As illustrative of that record, I annex, as Exhibit "H", my December 14, 1992 affidavit to the judicial Defendants, which detailed that my right to vacatur of my interim suspension was in every respect a fortiori to that of attorney Russakoff. Such affidavit was in support of the motion described at ¶148 of my Verified Complaint--as to which paragraph Defendants' Answer "denies knowledge or information sufficient to form a belief" (Ans. ¶103). Also annexed hereto, as Exhibit "I", is my March 8, 1993 "Supplemental Affidavit" in support of that same motion--referred to at ¶159 of my Verified Complaint--which Defendants' Answer denies (Ans. ¶114).

29. As more fully described at ¶165 of my Verified Complaint, that motion was denied by the judicial Defendants as being "duplicative and frivolous"--with maximum costs imposed upon me.

30. Thereafter, these two affidavits (Exhibits "H" and "I") were before the New York Court of Appeals as exhibits to my January 24, 1994 Jurisdictional Statement in support of its review of my Article 78 proceeding, referred to at ¶198 of my Verified Complaint. The Court of Appeals denied review, both as of right and by leave (See, cert petition (at pp. 11-13)).

31. As highlighted at ¶21 of my June 23, 1995 Affidavit, Defendants' Answer to my Verified Complaint, has left

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[6] See, cert petition, Point II, pp. 18-21.

it to this Court to draw its own interpretation as to the plain unambiguous meaning of statutory and rule provisions and New York case law, which Defendants have, in blatant bad faith, failed and refused to acknowledge.

32. I clearly meet the irreparable injury criterion for injunctive relief. This Court may take judicial notice of the fact that an order suspending an attorney's license to practice law is, per se, an irreparable injury--one exacerbated and intensified each day it remains extant.

33. As set forth in my Second Cause of Action (¶¶240-242), the June 14, 1991 suspension Order (Exhibit "A"), which contained no stay provision, was effectively immediately. Literally overnight, it required me to close my 35-year law practice and notify my clients of my suspension. Indeed, the judicial Defendants immediately released it to the New York Law Journal for publication.

34. The ramifications of such draconian Order have impacted on virtually every aspect of my life--totally destroying my career as an attorney in the private practice of law in New York State, causing the essentially automatic loss of my license to practice in the federal courts "to run concurrently with the State suspension", and the dissolution of my professional corporation. A copy of the Southern District's February 27, 1992 Order of suspension (per Thomas Griesa, J.) is annexed hereto as Exhibit "J-1", together with its Order to Show Cause to suspend my license (Exhibit "J-2") and my responding

communications (Exhibits "J-3", "J-4", "J-5", "J-6")[7].

35. Until my suspension pursuant to the June 14, 1991 Order, I was entirely self-supporting. Having been deprived of my professional livelihood as an attorney, I have been forced to live on my accumulated life's savings and retirement funds, which have also been invaded for financing of my legal defense and other litigation deemed necessary to protect my rights.

36. No less overwhelming than the incalculable financial loss I have unlawfully been caused to suffer by reason of Defendants' unconscionable wrongdoing is the social stigma and ostracism I have faced in the community. For example, even where I have a legal right to continued membership in professional

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[7] As may be seen from my December 11, 1991 letter (Exhibit "J-4"), I made known to the Southern District that I wished to make an evidentiary showing that my case fell within its Rule 4: to wit, that my "interim" suspension was "without due process", was "factually and legally unjustified", and that I had been denied any hearing by either the Grievance Committee or the Appellate Division, Second Department. In support thereof and of my request for the Southern District for a hearing, I, transmitted with my December 19, 1991 letter a copy of my July 19, 1991 motion for leave to appeal to the Court of Appeals. Indeed, it would appear from my subsequent January 17, 1992 letter (Exhibits "J-5" and "J-6")--which, likewise, requested a hearing, that I transmitted a second copy of my motion for leave to appeal to the Court of Appeals. Nevertheless, the Southern District's February 27, 1992 Order (Exhibit "J-1"), suspending me "from the rolls of the members of the bar of this Court" omits any reference to my three hearing requests or the constitutional due process violations I had alleged in the state proceedings. Instead, it refers only to my request, contained in my January 17, 1992 letter (Exhibit "J-6"), that the Southern District defer any action until after the New York Court of Appeals' decision in Russakoff, which I had pointed out challenged the court rules relating to "interim" suspensions and had the potential to impact on my "interim" suspension. Although I made known to the Southern District that there would be no prejudice by its granting of such deferral request inasmuch as I was not practicing in federal court, it denied deferral, without reasons.

organizations because the suspension was not based on a final order, organizations such as the New York State Bar Association and the Westchester Bar Association unceremoniously dropped me as a member. (See correspondence annexed as Exhibits "K-1" and "K-2" hereto.) As a result, I lost the benefits of essential medical insurance which I had obtained under a group plan available only through my membership in the Westchester Bar Association.

37. Day in and day out, my good name is smeared by reason of the June 14, 1991 suspension--which is routinely used to discredit and diminish my public interest work as Director for the Center for Judicial Accountability, Inc., an organization of which I am a co-founder. News reports about the Center's activities always focus on my identity as a "suspended lawyer"--invariably leaving out every other credential of a lifetime of involvement in legal and judicial reform (Exhibit "B")--as if they do not exist. This may be seen from the two most recent articles printed in Gannett Suburban Newspapers, focusing its headline on me as a "barred attorney" and "suspended lawyer" (Exhibits "L").

38. Similarly, in virtually every case in which I have been involved since publication of the June 14, 1991 suspension Order (Exhibit "A"), my adversaries have introduced it as evidence against me to impugn my integrity, competence, and character--albeit totally irrelevant to the facts in dispute. Introduction of such irrelevant suspension Order has been

wrongfully permitted by the lower state courts and approved by the judicial Defendants, with results that have been profoundly prejudicial to me.

39. In most of these cases I have been ultimately forced to represent myself--due to my inability to retain counsel, not only for financial reasons, but because many whose services I have sought to engage told me that they were fearful lest they too lose their licenses by being associated with me--a position reiterated to me again and again, most recently, this very month. Indeed, because of the vast amounts of time I have wasted interviewing applicants who, upon being informed of my suspension and the retaliation to which I have been subjected in other cases, were unwilling to take on my cases or to accept staff positions with the Center, I began advertising for "fearless" litigators (Exhibit "M"). Yet, as I discovered, even those lawyers who responded to such solicitation, are, once they see the documentation of Defendants' unremitting viciousness, likewise, intimidated and afraid to become involved.

40. In light of the continuing irreparable injury to me and my entitlement to success on the merits, there is no need for any equity balancing. However, the equities are overwhelmingly in my favor--there being not the slightest evidence in the record to support the judicial Defendants' fraudulent suspension of my professional license. Moreover, as implicitly recognized in Nuey, Russakoff, and the explicit requirements of the judicial Defendants' own rules (§691.4(l)

(Exhibits "G-1", "G-2", "G-3"), there is no public interest served by the interim suspension of an attorney's license, where--as here--there are no findings of professional misconduct or of immediate threat to the public interest.

THE JUDICIAL DEFENDANTS MUST BE DISQUALIFIED FROM ADJUDICATING MATTERS INVOLVING PLAINTIFF

41. The same pattern of official lawlessness committed and permitted by the judicial Defendants in the disciplinary proceedings against me under A.D. #90-00315 and in my Article 78 proceeding against them has been replicated in their continuing adjudication of appeals of non-disciplinary state court civil matters in which I am involved or have an interest.

42. This further retaliation is described in my June 23, 1995, at ¶26, Affidavit as follows:

> "Events subsequent to filing of my §1983 Complaint only further evidence the vicious bias, politically-motivated retaliation, and invidious discrimination to which I have been subjected by Defendants, as alleged therein. Such has been manifested by a succession of orders of the judicial Defendants in appeals unrelated to the disciplinary proceedings, including those which are the subject of allegations of my Complaint herein. From such appeals, the judicial Defendants wrongfully refused to disqualify themselves, even though they were directly affected by the outcome of such litigation."

43. More concretely, on November 28, 1994 and February 14, 1995, the judicial Defendants' rendered decisions in my appeals in Breslaw v. Breslaw and Wolstencroft v. Sassower respectively--notwithstanding they had a direct interest in the

outcome by virtue of my pleaded allegations in this §1983 action against them.

44. As may be seen by examination of my Verified Complaint, a litany of my pleaded allegations concerned the lawless and abusive conduct of two New York State Supreme Court justices, Samuel G. Fredman and Nicholas Colabella, in wholly baseless and concocted contempt proceedings. Each of those judges signed jurisdictionally-void and otherwise defective Orders to Show Cause authorizing commencement of such contempt proceedings against me, over which they thereafter presided (Breslaw: ¶¶31-39, 43-45, 51, 54, 63-66; Wolstencroft: ¶¶121-123), rendering factually and legally insupportable decisions. The judicial Defendants then used such decisions to found absolutely bogus disciplinary proceedings against me, even before hearing my appeals in those matters (Breslaw: ¶¶101-102, 125-128; Wolstencroft: ¶¶124, 131, 140, 142, 146(b), 151, 153).

45. My appellate papers in the Breslaw and Wolstencroft contempt proceedings documentarily prove the deliberate misconduct of Justices Fredman and Colabella alleged in my Verified Complaint[8]. Such documentation includes the full stenographic transcripts of the contempt proceedings, as well as uncontroverted legal authority. Those transcripts establish, as

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[8] This fact was previously made known to this Court by the exhibits annexed to Exhibit "1" of my June 23, 1995: See, Exhibits "B" and "D" to Exhibit "1", which substantiate the allegations of my Verified Complaint by referencing the Breslaw and Wolstencroft appellate papers.

a matter of law, the flagrantly due process-less, jurisdiction-less, biased, and constitutionally-void nature of the contempt proceedings authorized to be brought against me, and presided over by, Justices Fredman and Colabella.

46. Nevertheless, in deciding the **Breslaw** and Wolstencroft appeals, the judicial Defendants deliberately covered up the fraudulent and criminal nature of the subject contempt proceedings and the heinous, sadistic, and abusive conduct of Justices Fredman and Colabella. This is highlighted by the Wolstencroft appeals, where all relief was denied me by the judicial Defendants, notwithstanding the Record on Appeal was dispositive and my Appellant's Brief entirely unopposed.

47. Since it is impossible to conceive how thoroughly the judicial Defendants have perverted the judicial process and my constitutional rights without reviewing the unopposed Wolstencroft Brief and Record on Appeal, copies are being filed with the Court, together with the judicial Defendants' February 14, 1995 decision [Folder I]. As illustrative, Point IV of my Brief (pp. 44-6) provided the judicial Defendants with an inventory of the egregious due process violations and outright judicial torture to which I was subjected by Justice Colabella. Indeed, so massive and monstrous was Justice Colabella's obliteration of my due process rights--which would be heinous in any judicial proceeding, but all the more so in the context of a contempt proceeding--that, as reflected by ¶123 of my Complaint, I was compelled to bring two Article 78 proceedings against

him[9]. For the Court's convenience, the pertinent pages from my appeal are annexed hereto as Exhibit "N".

48. Yet, on the appeal--which cost me tens of thousands of dollars in legal fees to perfect--the judicial Defendants' February 14, 1995 decision wholly bypassed and ignored the due process issue--just as they either omitted, or in summary fashion misstated, every other central issue I presented.

49. On reargument, the uncontroverted documented facts and controlling law fared no better. This may be seen from the papers on my Order to Show Cause for resettlement, reargument, and renewal and the judicial Defendants' April 14, 1995 decision of summary denial with imposition of maximum costs--copies of which are supplied herewith [Folder II].

50. I would point out that Exhibit "D" to my Affidavit in Support of my Order to Show Cause for resettlement, reargument, and renewal, was a copy of my affidavit in support of recusal which I had submitted to the judicial Defendants at the January 10, 1995 oral argument of the Wolstencroft appeals. For the Court's convenience, I annex as Exhibit "O" a copy of that recusal affidavit, setting forth the mandatory disqualification of the judicial Defendants under New York's Judiciary Law §14

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[9] Notwithstanding the heinous and deliberate nature of Justice Colabella's misconduct, as documented by my first Article 78 proceeding against him, they dismissed it as "moot" after Justice Colabella withdrew his order of incarceration against me following my commencement of the proceeding. Upon the predictable continuation of such misconduct, I was compelled to bring a second Article 78 proceeding against Justice Colabella--likewise fully documented as to his grotesque abuse of office. It was dismissed by the judicial Defendants--without reasons.

resulting from their self-interest in the outcome of the Wolstencroft appeals by reason of the allegations in this §1983 action, to which they are parties.

51. Such mandatory disqualification is underscored in my affidavit in support of resettlement, reargument, and renewal, wherein I meticulously show that the judicial Defendants' February 14, 1995 decision on the Wolstencroft appeals is so "legally, as well as factually, unsupported and insupportable by the record and controlling law" as to reflect their self-interest in the proceeding (¶23). Indeed, the major portion of my supporting affidavit (pp. 8-18) is entitled, and I quote:

> "The Appeals Decision is Prima Facie Evidence of this Court's Disqualification Under Judiciary Law §14 for Self-Interest".

52. Yet, notwithstanding my detailed evidentiary and legal showing was entirely uncontroverted, the judicial Defendants denied relief, imposing upon me maximum costs.

53. The predictable consequence of the judicial Defendants' affirmance in the Wolstencroft appeals, deliberately abandoning, as they did, all adjudicative standards so as to sustain Justice Colabella's unconstitutional and depraved conduct, is that Justice Colabella went on to commit further monstrous, unconstitutional acts in the Wolstencroft case--secure in the belief that no matter how egregious his misconduct, it would be covered-up and protected by the judicial Defendants.

54. Consequently, I am now faced with the necessity of again appealing from Justice Colabella's latest perversion of

justice by his recent July 18, 1995 decision in Wolstencroft. Such decision rests on his unfounded February 10, 1992 decision, which the judicial Defendants upheld in my Wolstencroft appeals. Thus, Justice Colabella's falsification in his February 10, 1992 decision that I had testified that the only members of the Ninth Judicial Committee were myself and my daughter[10], is now the basis for his July 18, 1995 ruling that "the Ninth Judicial Committee was a sham entity at the time of the settlement". By such ruling and his deliberate disregard of the uncontroverted probative evidence in the record--including affidavits of other members of the Ninth Judicial Committee[11]--Justice Colabella has, without any citation to legal authority, effectively stolen $100,000 from the Ninth Judicial Committee's national successor, the Center for Judicial Accountability, Inc. A copy of the record before Justice Colabella is transmitted herewith [File Folder III].

55. It can be anticipated that just as the judicial Defendants refused to recuse themselves from the Wolstencroft appeals when I made a formal motion for them to do so on January 10, 1995, they will not voluntarily recuse themselves from the upcoming Wolstencroft. And just as they upheld Justice Colabella's demonstrably insupportable, due process-less decisions in my previous appeals, so it is anticipated that they

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10 See, appellate Brief, p. 16 at fn. 22 and citations to Record on Appeal.

11 See, Exhibits "E", "F", "G", and "H" to my April 3, 1995 "Reply Affidavit, In Further Support and In Opposition".

will do likewise on my appeal from Justice Colabella's instant insupportable July 18, 1995 decision.

56. This can be particularly anticipated since, were they to do otherwise, the Center for Judicial Accountability, Inc. would receive $100,000 to further its crusade against judicial corruption and political manipulation of judgeships--something that would plainly pose a threat to the judicial Defendants.

57. The judicial Defendants have, likewise, torpedoed numerous other cases in which I have been a party or had an interest, by knowingly rendering unsupported and insupportable decisions. Just to name a few other cases which are part of the pattern of biased, dishonest decision-making by the judicial Defendants, wherein I lost appeals which black-letter law and the facts in the record entitled me to win, I would mention: Blaustein v. Sassower; Weininger v. Sassower; Ward Carpenter v. Sassower; Malamut v. Sassower; Baer v. Lipson. Should Defendants dispute the wholesale abandonment of fundamental due process and legal standards reflected in those cases, as well as in Breslaw v. Breslaw, I request that they produce for the Court, on the return date of the motion, a copy of the appellate record and the briefs in those cases.

58. The judicial Defendants' decisions in the aforesaid cases were intended to, and have, caused me and those connected with me to suffer incalculable and irreparable financial and reputational injury.

59. No previous application has been made for this or similar relief to any other federal court or judge. My unsuccessful prior efforts to obtain a stay of the illegal June 14, 1991 interim suspension order from the New York state courts are detailed in my Verified Complaint and in my cert petition to the U.S. Supreme Court in my Article 78 proceeding. Such unsuccessful attempts only further reflect the bias, invidious treatment, and retaliation of the state courts -- encompassed within the gravamen of this lawsuit.

WHEREFORE, it is respectfully prayed that the relief sought in my accompanying Order to Show Cause be granted in toto.

Doris L. Sassower

DORIS L. SASSOWER

Sworn to before me this
25th day of September 1995

Louise Di Crocco

Notary Public

LOUISE Di CROCCO
Notary Public, State of New York
No. 4718571
Qualified in Westchester County
Commission Expires March 30, 1997

12-10-96