

JAMES C. COURI

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MEMORANDUM

BY HAND

To: Commission Judicial Conduct
61 Broadway (12th Floor)
New York, NY 10006
Attn: **Lee Kikler Esq.**

Date: February 2, 2006

From: James C. Couri

Re: JSC Joan Madden ("Madden")
Part 11 Room 351
60 Centre Street
New York, NY

Ref: complaint of Judicial misconduct;
reference litigations: Couri vs. Pavia 101709/03
Pavia vs. Couri 124625/02

Dear Sirs:

I enclose along with the letter of complaint various relevant documents, exhibits, pleadings etc., (arising out of my seeking and obtaining Rent Stabilized Rights to a building and apartment in New York City), and which have been assembled over at least two years, and involving inexplicable conduct of Justice Madden, *inter alia*, that has been, not only violative of Part 100 of Rules of Chief Administrator of Courts, but has been violative of CPLR and Penal Codes. Some involve Madden condoning perjury, suppression of evidence, and fraud in her courtroom. Madden has regretfully displayed serious and documented impropriety, by the courts activities and depravation of unfettered access to the court. (See Exhibits hereto)

I have thought for months about the filing of this complaint, which I do not take lightly, but after recent activities of Madden, this complaint is mandated.

I have reported Maddens decorum and "rulings" to Hon. Joan Carey and Hon Jacqueline Silberman by letters dated January 31, 2006, August 18, 2005, February 22, 2005, with exhibits, (attached here), and letters to Madden of August 18, 2005, August 11, 2005, April 21, 2004, etc.

These disclosures are not simply "sour grapes", but I have experienced, and been victim of, behavior displayed by Madden that at best is arbitrary and capricious, negligent, and indifference to criminality.

As a example, Madden "ordered" a "Evidentiary Hearing" which occurred in or about September 14, 19, 23, 2005 regarding the legality of a greenhouse in my home. This hearing was at risk to me, as I suffer from a severe cardiac condition. I have recently undergone 6 operations for my chronic and unstable angina, and other complications.

All the while during this hearing, and unknown to me, or to council to my wife, (McLaughlin Stern LLP), Itkowitz and Harwood Esqs., and George Pavia withheld evidence material, including admissions by the Pavias, under oath, that this greenhouse is and was illegal and illegally constituted, (in documents executed February 15, 2005 and September 8, 2005 and submitted to the Department of Buildings (DOB). Also a Decision issued on September 8, 2005 by ECB Court affirming a DOB Violation that the greenhouse is hazardous and illegal was also willfully withheld from me and the court. George and Antonia Pavia, Pavias architect and Itkowitz, committed perjury on the record, repeatedly, as a result of the forgoing at this hearing.

After the hearing concluded, and before leaving the court, I asked that the court (Madden) to await this ECB Order, Decision, **before** issuing any decisions. Although Pavia and Itkowitz had received the ECB Order and Decision weeks earlier, they intentionally secreted it, and told the court they would submit it when issued, but had not been yet. This was a outright lie conducted on September 23, 2005, and curiously condoned by Madden after the court learned of this misconduct.

Days later, I learned of the documents and admissions issued by Pavia to DOB, further affirming that the greenhouse is and was hazardous and illegal, (including a Certificate of Correction, and a Affirmation of the Violation, and payment of the fine). All of this was also secreted and not produced by Pavia-Itkowitz.

I immediately advised the court of these hidden evidence materials, and perjury at the hearing, and asked the court to take judicial actions, as now proven and documented perjury and fraud was engaged in at hearing, including the withholding of evidence material, which if produced, would have made the hearing moot. Madden did nothing to protect the integrity of the Court.

Furthermore, these admissions and the ECB Decision Order affirmed a actual-partial eviction, and willful violations of the

warranty of habitability of my home, and results is no rent to be paid, as a matter of law.

Undaunted, the court has condoned and ignored this perjury, fraud, and illegal conduct, perpetuated by Itkowitz and Pavia, and issued a order disregarding these criminal activities. I Moved by Order to Show Cause (attached here), seeking "renewal and reargument", which the court sat on for days, again trying to deprive me unfettered access to the court, (demanding that all motions must by OSC, and thereafter the court has frequently declined to sign and approve the motion). This has been habitual. Only after repeated prodding did the court sign this OSC.

Further to this, the DOB has on January 15, 2006, served the Paviias with three (3) new Enforcement Violations, including claims for the filing of a false Certificate of Correction, (a crime), and failing to cure hazardous and unsafe conditions in my home and greenhouse. Although I advised Madden of these Enforcements. Violations, she likewise has turned a "blind eye" to any redress. I append all relevant documents and my OSC hereto.

Accordingly, this conduct is alarming, bizarre, and establishes far more than an exhibition of partiality or excusable "mistake". Also Madden has refused to recuse herself from these cases.

Accordingly, this repeated pattern of conduct and Madden's willingness to condone crimes, perjury, fraud, and secretion of evidence material, while my health, home and finances are impacted and in peril is outrageous, violative of my and my wife's right to fair due process, and also violative of my civil rights, among other things. No Justice should allow criminal activities and perjury etc. that are documented, in the Unified Court System.

Accordingly, please accept this letter and exhibits as my complaint against Joan Madden JSC, and her Chambers. If you require anything else, please call me at the above telephone.

Respectfully,

James Couri