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September 11, 2006

Hon. Sherry Klein Heitler
Supreme Court
60 Centre Street,
Room 438
New York, N.Y. 10007

Re: Charney v. North Jersey et al.,
Index No. 24517/88
Index No. 23002/92

Dear Justice Heitler:

With regard to this Court's letter of September 5, 2006 stating that the Court issued orders lifting the civil warrants of arrest and allows me to come into the courtroom for a specified period, but at the same time denies me standing by that March 23, 2006 order, so that I expressly cannot participate in the proceedings is barring me from the proceedings of this Court. The Court expressly stated on pages 2 and 3 of its March 23, 2006 order as follows:

“Herskowitz alone, objects to Windels’ submission of his final accounting as Receiver for North Jersey, and his request for commission pursuant to B.C.L. §1217. Herskowitz however, has **no standing to lodge an objection to his accounting**” because “Herskowitz is neither a creditor or shareholder. To the contrary, Herskowitz owes in excess of \$4 million to North Jersey, as there has been a judicial determination that Herskowitz must turn over her shares in North Jersey to the Sheriff of New York County. See Matter of Herskowitz v. Tompkins, Index No. 12002/92 (S.Ct. N.Y.Cty.Sept. 18, 1992)(Tompkins, J.) To date, Herskowitz has not complied with this order, and there are, at present, arrest warrants outstanding, based upon her failure to comply”. (Emphasis supplied)

I have moved to vacate this order by showing that by this Court's own description the assertion of lack of standing is contrary to the record and is erroneous wherein that turnover order is referred to by the Court as a September 18, 1992 order and that \$4 million judgment is dated January 21, 1994 and so that turnover order predates that 1994 judgment by almost two years. Moreover, that turnover order was not on \$4 million but on an August 1992 \$5,000.00 money judgment in another case under Index No. 23002/92 and these two cases are not consolidated. However, my motion to vacate that March 23, 2006 order was denied by this Court's August 8, 2006 order.

Furthermore, Mr. Windels has made clear in his letter dated June 12, 2006, that “the only party on whom the accounting was servedwho responded to the accounting was Ms. Herskowitz whom your Honor has ruled lacks standing to object to my accounting” which

reference was to the March 23, 2006 order. Accordingly, my papers that was sent to Your Honor by Federal Express on August 31, 2006, and were received by the Court on September 1, 2006 and the same papers were filed in motion part on September 8, 2006 and were served on the parties are not incorrect in stating that this matter is to proceed ex parte. In fact I did come to New York on January 23, 2006 for which date Mr. Windels' Motion on his Final Accounting was scheduled, but it was obviously continued, whereby that March 23, 2006 order would be entered, so that Mr. Windels' accounting would not be opposed as he expressed that desire in his letter. Regretfully, I do not have the means and cannot be made to travel to New York, from Florida, so that the objections to Mr. Windels' accounting made meaningless by the denial of standing would be given an appearance of due process, by my presence. Needless, to say my civil right have been flagrantly violated.

Additionally, that September 5, 2006 letter sent by your Honor by regular mail, was read to me for the first time by your deputy Steve, on Friday afternoon September 8, 2000, and was the first time that I was informed of that letter, and was read to me by Steve upon my insistence, which is certainly is not sufficient notice. Nor does it make any reference to the March 23, 2006 order, nor is it an order vacating that order's provision on the issue of standing. The Appearance Calendar of this Court (copy attached) shows only that a "Status Conference" has been set for September 11, 2006 and so there is no evidentiary hearing set for Mr. Windels' Accounting, which certainly can be conducted by phone.

Sincerely,

Judith Herskowitz

cc: Paul Windels III
Susan Charney pro se