

Judith Herskowitz
P.O. Box 403543
Miami Beach, Fl. 33140
Tel: (305) 534-7600

June 12, 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

Dear Justice Heitler:

Although Your Honor directed Mr. Windels to serve certain papers in the March 23, 2006 order I was not served with any copies of these papers to this date. Since your Honor has deprived me of standing in that March 23, 2006 order, it would appear I am also not to be served with papers. Your Honor included a provision in your order lifting an Order of Commitment entered on February 19, 1993 noting the intent to be, if "Herskowitz chooses to appear on June 26, 2006" for the hearing set on Windels' Motion for Approval of Accounting and on other matters. That your Honor allows me to be in the courtroom, while I am deprived of standing and while I am foreclosed from filing a response and from participating in the hearing does not create even the appearance of due process, but it is in derogation of due process. Since I am excluded there is no reason for me to travel from Florida to New York at great expense it would be an exercise in futility and there could be no default for non-appearance.

Additionally, the reason cited by this Court in its March 23, 2006 order, for depriving me of standing is unsupported and is contrary to the record, there being no turnover order for all of my North Jersey stock certificates because "Herskowitz owes in excess of \$4 million to North Jersey". First of all that turnover order was only on a \$5,000.00 money judgment as fees for Delibert enforceable by execution that was not even in the above entitled case to deprive me of standing, but under Index No. 23002/92 and there is no turnover order in that case. The turnover provision was merely inappropriately injected into an order under Index No. 24517/88, that improperly bears a double title, because these two cases were never consolidated and no motion to consolidate was ever made as required pursuant to CPLR §602. In addition it was undisputed that the turnover order was entered without service of notice and motion on the Herskowitzes. So, that no supplementary proceeding for turnover was ever instituted as required under CPLR §5225, to enter any such order. The court also misconstrues that \$4 million judgment as if there were two \$4 million judgments one for me and another for ~~Robert and Mel Herskowitz~~ when in fact they are one and the same judgment entered on different dates jointly against all of us. This Court is fully familiar with joint liability and knows that all these judgments had been discharged, but somehow because I am appearing pro se the law is not deemed to apply to me.

I have served a Motion for Disqualification of Judge, setting forth the bias and prejudice of this Court. In view of this Court's directive of June 8, 2005 I therefore, request permission to file the enclosed papers, and request the right to be heard upon these matters for the reasons stated therein. However, I obviously have a right to file a Motion for Disqualification, in view of the constitutional right to an impartial judge. It is apparent that this Court has incorrectly deprived me of standing, and would be proceeding ex parte and any resulting order would not be binding on me and would be void. I respectfully request that I be consulted on the date set for hearing on this motion since I have to travel from Florida and have to make reservations in advance.

Yours truly,

Judith Herskowitz

cc: Paul Windels III
Susan Charney
Hon. Jacqueline Silbermann
Hon. Jonathan Lippman