

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

10/23/78 A 5 10

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

File
NOTICE OF CROSS-MOTION

✓ INDICTMENT NO. 2673/77

DAVID BERKOWITZ,

Defendant.
-----X

S I R S:

PLEASE TAKE NOTICE, that upon the annexed affirmation of LEON STERN, ESQ., dated the 30th day of October, 1978, the Notice of Motion herein, returnable on November 3, 1978, which seeks an Order: (a) Directing the Clerk of this Court to deliver to DORIS JOHNSEN, Successor Conservator of DAVID BERKOWITZ, a Conservatee, certain tapes previously impounded pursuant to order of Mr. Justice Held; and (b) Granting such other relief as to this Court may seem proper; and, upon all of the pleadings and proceedings heretofore had herein, the undersigned will Cross-Move this Court, at Criminal Term, Part I thereof, to be held in and for the County of Kings, at the Courthouse, Montague Street, Civic Center, Brooklyn, New York, on the 3rd day of November, 1978, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an Order directing the Clerk of this Court to deliver to LEON STERN, ESQ., certain tapes previously impounded pursuant to Order of Mr. Justice Held,

or in the alternative, continue in full force and effect the
aforesaid Order, and granting such other and further relief as
to this Court may seem just and proper in the premises.

Dated: Mineola, New York
October 30, 1978

Yours, etc.,

LEON STERN, ESQ.
Attorney for Defendant
Office & P.O. Address
82 Main Street
Mineola, New York 11501
(516) 741-7765

TO: SETH RUBENSTEIN, P.C.
Attorney for Conservator
50 Court Street
Brooklyn, New York 11201

HON. EUGENE GOLD
District Attorney, Kings County
400 Municipal Building
Brooklyn, New York 11201

MEYER, ENGLISH, CIANCIGLI & PEIREZ, P.C.
160 Mineola Boulevard
Mineola, New York 11501

PHILIP PELTZ, ESQ.
853 Talbot Avenue
North Woodmere, New York 11581

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

AFFIRMATION

DAVID BERKOWITZ,

Defendant.

-----X
LEON STERN, an attorney duly admitted to practice law
in the Courts of the State of New York, under the penalties of
perjury, hereby affirms as follows:

That I am one of the attorneys for DAVID BERKOWITZ,
the defendant in the Indictment above-noted, am fully familiar
with all of the pleadings and proceedings heretofore had herein,
and make this affirmation in opposition to the application of the
Conservator, DORIS JOHNSEN, and in support of the Cross-Motion
seeking the relief set forth therein.

That I have read the affidavit of DORIS JOHNSEN, the
Successor Conservator herein, and concur in regard to the value
or potential value of the aforesaid tapes.

That the Court's attention is respectfully directed to
paragraph marked and numbered "2b" of the Conservator's affidavit,
more specifically:

"The expenses of defense of the above indictment and other indictments to which defendant has pleaded; ...".

With respect to paragraph "2b", the Court is respectfully informed that your affirmant, together with Ira J. Jultak, Esq., co-counsel, have not been paid for the services rendered to the defendant, DAVID BERKOWITZ, in connection with not only the criminal matters referable to the indictments in the Counties of Kings, Queens and Bronx, but also in connection with services rendered in the representation of this defendant in civil matters and in the Conservatorship application which was originally initiated by your affirmant.

That in addition thereto, your affirmant has noted that notice of this proceeding has not been given to the firm of Meyer, English, Cianciulli & Peirez, P.C., who also rendered substantial services to the said DAVID BERKOWITZ, as Conservatee, in their representation of the previous Conservator, the father of the said DAVID BERKOWITZ, to wit: Nathan Berkowitz, for all of which I am verily informed they have not been paid and would have a claim against the estate of the Conservatee.

At the very least, it is respectfully requested that should any monies come into the possession of the Conservator on behalf of this estate, that a preferred lien be established on

behalf of your affirmant, together with Ira J. Jultak, Esq., as co-counsel, for reasonable counsel fees and disbursements incurred on behalf of the Conservatee, DAVID BERKOWITZ.

Further, since the tape recordings are essentially attorney work product and are not generally considered the property of the defendant until all fees in connection with counsels' retention are disbursed, the said Conservator should not stand in any better position with respect to this property than the Conservatee.

WHEREFORE, it is respectfully requested that an Order be made and entered herein, directing the Clerk of this Court to deliver to your affirmant certain tapes previously impounded pursuant to Order of Mr. Justice Held, or in the alternative, continue in full force and effect the aforesaid Order, and granting such other and further relief as to this Court may seem just and proper in the premises.

Dated: Mineola, New York
October 30, 1978

S/Leon Stern
LEON STERN

SUPREME COURT : KINGS COUNTY

1978 DEC -4 P 12:08

File

-----x-----
People of the State of New York,
Plaintiffs,

Indictment #2673/77

- against -

NOTICE OF ENTRY

DAVID BERKOWITZ,

Defendant.

-----x-----

S I R S :

PLEASE TAKE NOTICE, that an Order, of which the within is a true copy, has been entered in the Office of the Clerk of the Supreme Court, Kings County, 111 Livingston Street, Brooklyn, New York, on the 24th day of November, 1978.

Dated: Brooklyn, New York
December 1, 1978

SETH RUBENSTEIN, P. C.
Attorney for Conservator
50 Court Street
Brooklyn, New York 11201

TO: IRA J. JULTAK and
LEON STERN, ESQS.
Attorneys for Defendant
82 Main Street
Mineola, New York 11501

PHILIP PELTZ, ESQ.
853 Talbot Avenue
North Woodmere, New York

EUGENE GOLD, ESQ.
District Attorney
400 Municipal Building
Brooklyn, New York 11201

②42

[Handwritten initials]

At a Criminal Term, Part I, of the Supreme Court, held in and for the County of Kings, at the Courthouse, 111 Livingston Street, Brooklyn, New York, on the 24 day of November, 1978.

P R E S E N T :

HON. ~~GERALD~~ ^{GERALD} S. HELD, ✓
Justice.

----- x

People of the State of New York,
Plaintiffs,

Indictment #2673/77 ✓

- against -

DAVID BERKOWITZ CONSERVATEE
85067 ~ 1977

DAVID BERKOWITZ, ✓

ORDER

Defendant.

----- x

DORIS JOHNSEN, Conservator of DAVID BERKOWITZ, a Conservatee and Defendant above named, having moved this Court for an Order:

- a. Directing the Clerk of this Court to deliver to DORIS JOHNSEN, Successor Conservator of DAVID BERKOWITZ, a Conservatee, certain tapes previously impounded pursuant to order of MR. JUSTICE HELD; and
- b. Granting such other relief as to this

SUPREME COURT
KINGS COUNTY
CRIMINAL TERM

'78 NOV 28 PM 12:55

Court may seem proper,

and LEON STERN, ESQ., having cross-moved this Court for an order directing the ~~Chief Clerk of Criminal Division of the Supreme Court, JOSEPH E. PARISI~~ CLERK OF THIS COURT to deliver to LEON STERN, ESQ., certain tapes previously impounded pursuant to LEN BAIDE. YASWEN DATED 8-24-77 AND MR. JUSTICE HELD'S ORDER PLACED ON COURT RECORD SEALING RECORDS AND TAPES or in the alternative, continue MR. JUSTICE HELD'S ORDER PLACED ON COURT RECORD SEALING RECORDS AND TAPES in full force and effect the aforesaid order, and granting such other and further relief as to this Court may seem just and proper in the premises, and said motion and cross-motion having duly come on to be heard on November 3, 1978 and having been referred by MR. JUSTICE LAGANA to MR. JUSTICE HELD

NOW, on reading and filing the Notice of said Motion dated October 20, 1978, and the affidavits of DORIS JOHNSEN, duly sworn to October 19, 1978 and October 31, 1978, with proof of their due service, in support of the motion and in opposition to the cross-motion, and the Notice of said cross-motion dated October 30, 1978 and the affirmations of LEON STERN, ESQ., dated October 30, 1978 and November 1, 1978 in opposition to the motion and in support of the cross-motion, and after hearing SETH RUBENSTEIN, P.C., attorney for the Conservator, in support of the motion and in opposition to the cross-motion, and LEON STERN, ESQ., in opposition to the motion and in support of the cross-motion, and due de-

liberation having been had, and the Court having made and filed its ^{MOTION} decision in writing, dated November 9, 1978; it is

ORDERED, that the said motion be and the same hereby is ~~in all respects~~ granted; and it is further

CHIEF CLERK OF CRIMINAL TERM OF THE SUPREME COURT, JOSEPH E. PARISI

ORDERED, that the ~~Clerk of this Court~~ be and he hereby is directed to deliver and release to DORIS JOHNSEN, Conservator of DAVID BERKOWITZ, a Conservatee, the sealed AND THAT MR. PARISI BE GIVEN DUE AND PROPER RECEIPTS tape recordings in his possession, and it is further

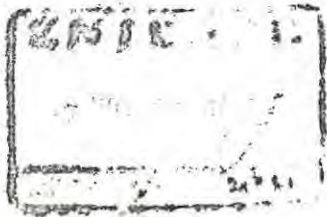
ORDERED, that the Conservator, on notice to all claimants, shall seek Court approval prior to the sale or publication of any of the tapes or the information contained therein, and it is further

ORDERED, that the cross-motion be and the same hereby is denied, AS TO TAPES AND DENIED WITHOUT PRESERVED AS TO ATTORNEY'S FEES without prejudice to its renewal or to an appropriate application in Special Term, Part VI, after successful establishment of a fund to pay all claimants.

FURTHER ORDERED THAT THE ORIGINAL OF THE WITHIN ORDER BE FILED UNDER SPECIAL TERM PART 6 ~ NOVEMBER 8 5 26 77 ~ 1977 AND THAT A CONFIRMED COPY BE FILED IN FOLDER INDICTMENT # 2673/77

ENTER

Henry J. Held
J.S.C.
HENRY J. HELD



11/21/78
SO ORDERED: JOSEPH CARRO
J.S.C.

980K
J.S.C.

C
1978 OCT 23 A 10:23
J.A.
SUPREME COURT : KINGS COUNTY

-----x

People of the State of New York,
Plaintiffs,

Indictment #2673/77

- against -

NOTICE OF MOTION

DAVID BERKOWITZ,

Defendant.

-----x

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of DORIS JOHNSEN, duly sworn to October 19, 1978, and upon all pleadings and proceedings heretofore had herein, the undersigned will move this Court, at Criminal Term, Part I, thereof, to be held in and for the County of Kings, at the Courthouse, Montague Street and Civic Center, Brooklyn, New York 11201, on November 3, 1978, at 9:30 A.M., for an order:

a. Directing the Clerk of this Court to deliver to DORIS JOHNSEN, Successor Conservator of DAVID BERKOWITZ, a Conservatee, certain tapes previously impounded pursuant to order of MR. JUSTICE HELD; and

b. Granting such other relief as to this Court may seem proper.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR §2214(b), unless answering affidavits are served at least five days before the hearing of the motion, they shall not be read in opposition thereto.

PLEASE TAKE FURTHER NOTICE that upon the return of this motion, the undersigned will request that it be referred to MR. JUSTICE HELD.

Dated: Brooklyn, New York
October 20, 1978

SETH RUBENSTEIN, P.C.
Attorney for Conservator
50 Court Street
Brooklyn, New York 11201

TO: IRA J. JULTAK and
LEON STERN, ESQS.
Attorneys for Defendant
82 Main Street
Mineola, New York 11501

PHILIP PELTZ, ESQ.
853 Talbot Avenue
North Woodmere, New York

EUGENE GOLD, ESQ.
District Attorney
400 Municipal Building
Brooklyn, New York 11201

SUPREME COURT : KINGS COUNTY

-----x

People of the State of New York,
Plaintiffs,

Indictment #2673/77

- against -

AFFIDAVIT

DAVID BERKOWITZ,

Defendant.

-----x

STATE OF NEW YORK)
 : ss.:
COUNTY OF KINGS)

DORIS JOHNSEN, being duly sworn, deposes and
says:

1. By order of this Court (HON. CARMINE A. VENTIERA, Justice) made August 29, 1978, I was appointed Successor Conservator of defendant above named. I have duly qualified and consented to act and a commission has issued to me. This affidavit is submitted in support of a motion for the delivery to me of certain tapes now in the custody of the Court.

2. My functions as conservator involve two

major areas. The first of these is the defense of ten civil actions for wrongful death and/or personal injuries which are being prosecuted against defendant. These are pending in various Courts and have been consolidated into the Supreme Court, Kings County. The second area is development of a fund with which to pay:

a. The expenses of administration of the conservatorship estate;

b. The expenses of defense of the above indictment and other indictments to which defendant has pleaded; and

c. Any judgments which may be recovered in the said civil actions.

The application of any such fund may be effected by the provisions of §632-a of the Executive Law, a copy of which is annexed for ready reference.

3. The conservatorship estate is without assets and the only source from which assets can be developed is the sale of literary, movie and television rights to defendant's story. Of crucial importance in such sale is the question of whether and to what extent defendant is willing

or able to cooperate with an author chosen to write the book, scenario, or other vehicle. On October 12, 1978, I interviewed defendant at some length and advise the Court that (any question of his ability to do so aside) defendant is presently disinclined to cooperate.

4. At an early stage of the above proceeding, defendant appeared by PHILIP PELTZ, ESQ. Conversations between defendant and MR. PELTZ were recorded. The tapes of those conversations were, by order of MR. JUSTICE HELD, impounded in this Court. It is my belief that those tapes are presently in the custody of the Clerk of this Court.

5. I require those tapes in order to deal with potential publishers. Patently, the amount which literary rights can command will be much larger if the publication is not limited to material which is public in nature and thus accessible to anyone. No immediate publication of the tapes or their contents is contemplated.

6. Since the impounding order was made by MR. JUSTICE HELD, I respectfully request that this motion be referred to him. In addition to his familiarity with the particular facts of this motion, MR. JUSTICE HELD is well versed in conservatorship practice, having served as a Referee in in-

competency (prior to his elevation to the bench) by orders of the presiding Justice of the Appellate Division, Second Judicial Department.

7. This application is made on notice to PHILIP PELTZ, ESQ. (who physically made the tapes and who delivered them into the custody of the Court), IRA J. JULTAK, ESQ. and LEON STERN, ESQ. (counsel for defendant in this matter) and the District Attorney. There are no other persons interested in this motion.

8. No previous application for the relief sought herein has been made.

WHEREFORE, deponent prays for an order:

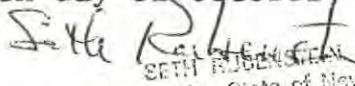
a. Directing the Clerk of this Court to deliver to DORIS JOHNSEN, Successor Conservator of DAVID BERKOWITZ, a Conservatee, certain tapes previously impounded pursuant to order of MR. JUSTICE HELD; and

b. Granting such other relief as to this Court may seem proper.


DORIS JOHNSEN

Sworn to before me this

19th day of October, 1978


SETH RUBENSTEIN
Notary Public, State of New York
No. 24-6291390 Qual. in Kings Co.
Commission Expires March 30, 1980

Berkowitz

§ 632

EXECUTIVE LAW

for "a minor or incompetent", and "the person under the age of eighteen years or the incompetent" for "the minor or incompetent." 1972 Amendment. L.1972, c. 287, § 2, eff. May 15, 1972, numbered existing provisions as subd. 1, and added subd. 2.

§ 632-a. Distribution of moneys received as a result of the commission of crime

1. Every person, firm, corporation, partnership, association or other legal entity contracting with any person or the representative or assignee of any person, accused of a crime in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions or emotions regarding such crime, shall pay over to the board any moneys which would otherwise, by terms of such contract, be owing to the person so convicted or his representatives. The board shall deposit such moneys in an escrow account for the benefit of and payable to any victim of crimes committed by such person, provided that such person is eventually convicted of the crime and provided further that such victim, within five years of the date of the crime, brings a civil action in a court of competent jurisdiction and recovers a money judgment against such person or his representatives.

2. The board, at least once every six months for five years from the date it receives such moneys, shall cause to have published a legal notice in newspapers of general circulation in each county of the state advising such victims that such escrow moneys are available to satisfy money judgments pursuant to this section.

3. Upon disposition of charges favorable to any person accused of committing a crime, or upon a showing by such person that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such person pursuant to this section the board shall immediately pay over any moneys in the escrow account to such person.

4. Notwithstanding any inconsistent provision of the civil practice law and rules with respect to the timely bringing of an action, the five year period provided for in subdivision one of this section shall not begin to run until an escrow account has been established.

5. Notwithstanding the foregoing provisions of this section the board shall make payments from an escrow account to any person accused of crime upon the order of a court of competent jurisdiction after a showing by such person that such moneys shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.

6. Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state.

Added L.1977, c. 823, § 1.

Effective Date. Section effective Aug. 11, 1977 pursuant to L.1977, c. 823, § 2.

§ 634. Subrogation

1. Generally

The Crime Victims Compensation Board may not compromise the sub-

rogation rights granted by this section. 1977, Op. Atty. Gen. May 23.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

1778 NOV -2 A 9:10

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

DAVID BERKOWITZ,

Defendant.
-----X

file
AFFIRMATION IN REPLY

Indictment #2673/77

LEON STERN, an attorney duly admitted to practice law in the Courts in the State of New York, under the penalties of perjury, hereby affirms as follows:

That I submit this affirmation in reply to the affidavit of DORIS JOHNSEN, dated the 31st day of October 1978.

That the Court's attention is respectfully directed to the paragraph designated as number 2. of the aforesaid affidavit wherein the following statement appears:

"MESSRS. STERN and JULTAK were not the attorneys when the tapes were made....".

That I wish to advise this Court that both myself and Mr. Peltz were jointly assigned on DAVID BERKOWITZ'S initial arraignment and that I have been attorney of record in connection with this matter since the filing of the first accusatory instrument in this case.

That in addition thereto while the conservator has

spoken in general terms of "literary proceeds" no specifics are mentioned and no compelling need has at this time been demonstrated for the release and possible publication of the tape recordings in question.

WHEREFORE, it is respectfully requested that the relief requested in the Cross Motion herein be granted and the application of the conservator be denied.

Dated: Mineola, New York
November 1, 1978

S/ Leon Stern
LEON STERN

J STERN
NEY AT LAW
AIN STREET
N. Y. 11501



Hon. Eugene Gold
District Attorney, Kings County
400 Municipal Building
Brooklyn, New York 11201

SUPREME COURT : KINGS COUNTY

CRIM NOV 15 A 9:25

-----x
People of the State of New York,
Plaintiffs,

Indictment #2673/77

- against -

NOTICE OF SETTLEMENT

DAVID BERKOWITZ,

Defendant.

file

-----x

S I R S :

PLEASE TAKE NOTICE, that an Order, of which the within is a true copy, will be presented for settlement and signature to the HON. GERALD S. HELD, Justice of the Supreme Court of Kings County, at a Criminal Term, Part I, at the Courthouse, 111 Livingston Street, Brooklyn, New York, 11201, on the 20th day of November, 1978 at 10:00 A.M.

Dated: Brooklyn, New York
November 14, 1978

SETH RUBENSTEIN, P.C.
Attorney for Conservator
50 Court Street
Brooklyn, New York 11201

TO: IRA J. JULYAK and
LEON STERN, ESQS.
Attorneys for Defendant
82 Main Street
Mineola, New York 11501

PHILIP PELTZ, ESQ.
853 Talbot Avenue
North Woodmere, New York

EUGENE GOLD, ESQ.
District Attorney
400 Municipal Building
Brooklyn, New York 11201

At a Criminal Term, Part I, of the Supreme Court, held in and for the County of Kings, at the Courthouse, 111 Livingston Street, Brooklyn, New York, on the day of November, 1978.

P R E S E N T :

HON. GERLAD S. HELD,
Justice.

----- x

People of the State of New York,
Plaintiffs,

Indictment #2673/77

- against -

DAVID BERKOWITZ,

ORDER

Defendant.

----- x

DORIS JOHNSEN, Conservator of DAVID BERKOWITZ,
a Conservatee and Defendant above named, having moved this
Court for an Order:

a. Directing the Clerk of this Court to deliver to DORIS JOHNSEN, Successor Conservator of DAVID BERKOWITZ, a Conservatee, certain tapes previously impounded pursuant to order of MR. JUSTICE HELD; and

b. Granting such other relief as to this

Court may seem proper,

and LEON STERN, ESQ., having cross-moved this Court for an order directing the Clerk of this Court to deliver to LEON STERN, ESQ., certain tapes previously impounded pursuant to order of MR. JUSTICE HELD, or in the alternative, continue in full force and effect the aforesaid order, and granting such other and further relief as to this Court may seem just and proper in the premises, and said motion and cross-motion having duly come on to be heard on November 3, 1978 and having been referred by MR. JUSTICE LAGANA to the undersigned;

NOW, on reading and filing the Notice of said Motion dated October 20, 1978, and the affidavits of DORIS JOHNSEN, duly sworn to October 19, 1978 and October 31, 1978, with proof of their due service, in support of the motion and in opposition to the cross-motion, and the Notice of said cross-motion dated October 30, 1978 and the affirmations of LEON STERN, ESQ., dated October 30, 1978 and November 1, 1978, in opposition to the motion and in support of the cross-motion, and after hearing SETH RUBENSTEIN, P.C., attorney for the Conservator, in support of the motion and in opposition to the cross-motion, and LEON STERN, ESQ., in opposition to the motion and in support of the cross-motion, and due de-

liberation having been had, and the Court having made and filed its decision in writing dated November 9, 1978; it is

ORDERED, that the said motion be and the same hereby is in all respects granted; and it is further

ORDERED, that the Clerk of this Court be and he hereby is directed to deliver and release to DORIS JOHNSEN, Conservator of DAVID BERKOWITZ, a Conservatee, the sealed tape recordings in his possession; and it is further

ORDERED, that the Conservator, on notice to all claimants, shall seek Court approval prior to the sale or publication of any of the tapes or the information contained therein, and it is further

ORDERED, that the cross-motion be and the same hereby is denied, without prejudice to its renewal or to an appropriate application in Special Term, Part VI, after successful establishment of a fund to pay all claimants.

E N T E R

J.S.C.

SUPREME COURT : KINGS COUNTY

1978 NOV -1 A 9:41

-x

D.A.

file

People of the State of New York,
Plaintiffs,

Indictment #2673/77

- against -

AFFIDAVIT

DAVID BERKOWITZ,

Defendant.

- - - - -x

STATE OF NEW YORK)
 : ss.:
COUNTY OF KINGS)

DORIS JOHNSEN, being duly sworn, deposes and
says:

1. I am the Conservator of Defendant above
named and submit this affidavit:

a. in support of my motion for the de-
livery of certain tapes now in the possession of the
Court; and

b. in opposition to the cross-motion
of LEON STERN, ESQ., for delivery of the tapes to him.

2. There are several points at which I dis-
agree with MR. STERN but I do not think our conclusions are

irreconcilable. I will discuss briefly our differences. First, whether or not the tapes are attorney's work product, MESSRS. STERN and JULTAK were not the attorneys when the tapes were made and they did not make the tapes. Therefore, under no view of the matter should the tapes be delivered to them.

3. Second, although MESSRS. STERN and JULTAK undoubtedly have a lien on the proceeds of the tapes (I believe that lien has express recognition in the excerpt from the Executive Law attached to my moving papers), they have no standing to develop those proceeds. The development of literary and related rights is the function of the Conservator and of no other person. Therefore, to deliver the tapes to MR. STERN (or, considering his alternative suggestion, to keep them impounded in Court) would impede and perhaps totally prevent their being utilized for the creation of a fund out of which MR. STERN and the victims can be paid.

4. The MEYER, ENGLISH firm has not been given notice of this proceeding for the reason that it has applied for compensation in a proceeding now pending before MR. JUSTICE VENTIERA in Special Term, Part VI. That firm's

fee will be fixed by JUDGE VENTIERA and, there being no assets in the conservatorship estate, paid out of any literary proceeds I am able to develop.

5. In sum, I have no hesitancy in recognizing a lien in favor of MESSRS. STERN and JULTAK. I propose that the tapes be delivered to me subject to that lien and that the amount of the lien be fixed upon application made (assuming I meet with success in the literary endeavor) when there are some proceeds to be divided.

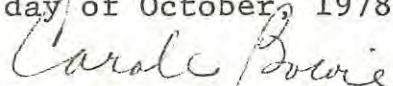
WHEREFORE, I pray that:

- a. My motion be granted;
- b. The cross-motion be denied; and
- c. The Clerk of this Court be directed to deliver to me, as Conservator, the tapes in his possession, subject to the lien of LEON STERN and IRA JULTAK, the amount of said lien and the manner of its payment to be determined upon future application, after the receipt of any literary proceeds (whether from the tapes or from any other source).


DORIS JOHNSEN

Sworn to before me this

31st day of October, 1978


CAROLE BOWIE
COMMISSIONER OF DEEDS
CITY OF NEW YORK
Kings County Clerk No. 2-2695
Commission Expires Aug. 1, 1980

Leth Rubenstein, P.C.

50 COURT STREET
BROOKLYN, N. Y. 11201



EUGENE GOLD, ESQ.
District Attorney
400 Municipal Building
Brooklyn, New York 11201