

Affirmation of Richard E. Moot in Opposition to Plaintiffs' Motion for Recusal and in Further Support of Defendant Mancusi's Pending Motions for Dismissal in the matter of Akil Al-Jundi, et al. vs. Oswald

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AKIL AL-JUNDI, et al.,
Plaintiff,
vs.
KURT G. OSWALD, as Administrator
of the Estate of Russell G. Oswald,
JOHN S. KELLER, as Administrator
of the Estate of John Monahan,
VINCENT R. MANCUSI, and
KARL PFEIL,
Defendants.

AFFIRMATION OF RICHARD E. MOOT IN OPPOSITION TO PLAINTIFFS' MOTION FOR RECUSAL AND IN FURTHER SUPPORT OF DEFENDANT MANCUSI'S PENDING MOTIONS FOR DISMISSAL.
Civil No. 75-132

I, RICHARD E. MOOT, counsel for Defendant Vincent R. Mancusi, make this affirmation in opposition to plaintiffs' Motion for Recusal and in further support of Defendant Mancusi's pending motions to dismiss. Filed with this affirmation is a legal memorandum on behalf of Defendant Mancusi setting forth the legal authorities and arguments in opposition to plaintiffs' Motion for Recusal.

In addition to the legal insufficiency of the grounds stated by the plaintiffs in support of their Motion for Recusal, it is apparent from the history of this case that recusal of the trial judge, Honorable John T. Egan, who has presided over the matter since April 9, 1975 when the action was transferred from the Southern District of New York to this District, will require a great deal of additional work on the part of any new judge assigned to the case before the case can be retried. In order to become familiar with the matter, the status of pleadings and parties must be determined. It is unlikely the parties will agree which of the existing

Affirmation of Richard E. Moot in Opposition to Plaintiffs' Motion for Recusal and in Further Support of Defendant Mancusi's Pending Motions for Dismissal, in the matter of Akil Al-Jundi, et al. v. Kurt G. Oswald, as Administrator of the Estate of Russell G. Oswald, John S. Keller, as the Administrator of the Estate of John Monahan, Vincent Mancusi and Karl Pfeil, United States District Court, Western District of New York. The Affirmation is dated January 8, 1993 and signed by Richard E. Moot of Damon & Morey, Buffalo, New York. Also attached is a copy of a letter, dated February 11, 1972, from United States District Judge John T. Curtin to Vincent R. Mancusi on the occasion of Mr. Mancusi's retirement.

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