

EXHIBIT/3
RICO in the Unified Courts of New York State

RICO IN NEW YORK CITY'S UNIFIED COURT SYSTEM:

*A Report on the Corruption in the Courts
And a Request
For The Intervention of Law Enforcement
Agencies, the U.S. Attorney,
And Governor David Patterson*

ELIZABETH COMBIER

Editor, Parentadvocates.org

Editor, NYC Rubber Room Reporter

Editor in Chief, Americans Against Corruption

Starting at the death of Julia Taschereau, my mother, on March 15-16 1998, the multiple parties involved in the theft of my mother's estate from me, the beneficiary and Executrix, deliberately and maliciously established a pattern and practice of collusion to defraud me of my rights in order to obtain control and ownership of my mother's property. The parties listed below have, for 11 years, conspired to use the Courts of New York City to unlawfully take my mother's property but make it look "legal" by fabricating facts, rules, procedures, and documents. The parties in this matter have colored the law, their offices, and their authority.

I, Elizabeth Combier ("Combier"), provide the record herein as a summary of 11 years of documenting the actions of the parties named below, in written Motions and Affidavits as well as in taped conversations and court transcripts. All conversations that include me at home have been recorded pursuant to New York State law that permits such taping.

When a determination of kinship is made upon competent evidence, it may not be lightly set aside by the pretensions of a person who is actually only an intruder in the proceeding. *In re Metzrath's Estate*, 1941, 176 Misc. 75, 27 N.Y.S.2d 124.

The actors/ intruders ("intruders") who have corrupted the process of probating my mother's Will have committed acts that were, and continue to be, unauthorized by their offices/titles/positions and therefore leave them without standing or jurisdiction to bring about the end that they seek except by outright fraud and corruption.

THE ELEMENTS OF A RICO ACTION

The Fundamentals of RICO states in §1.02 that RICO has at its core a fairly simple design: it prohibits a person from utilizing a pattern of unlawful activities to infiltrate an interstate enterprise. (18 U.S.C. §1962). The case brought forth in this document alleges the following is true, and these are required in RICO:

- (1) that a "person" within the scope of the statute
- (2) has utilized a "pattern of racketeering activity" or the proceeds thereof
- (3) to infiltrate an interstate "enterprise"
- (4) by (a) investing the income derived from the pattern of racketeering activity in the enterprise; (b) acquiring or maintaining an interest in the enterprise through the pattern of racketeering activity; (c) conducting the affairs of the enterprise through the pattern of racketeering activity; or (d) conspiring to commit any of the above acts."

I, a private citizen, claim that I have been injured in my property and business "by reason of" one of the foregoing. Section 1961(3) of RICO defines "person" to include "any

individual or entity capable of holding a legal or beneficial interest in property, (18 U.S.C. 1961(3)). This applies both to someone alleged to have committed a RICO violation and to someone bringing a RICO claim. I am bringing a RICO claim against the Intruders listed below.

THE INTRUDERS

Mr. Kenneth Wasserman, Mr. Peter Schramm, Renee Roth, Karla Moskowitz, Jane Passenant, Mary Santa Marina, Julia Danger, Franesca Sabatie, The First Department Appellate Division, Jonathan Lippman, Jonathan Landsman, Lauren Holmes, Dan Ramos, Fred Anderson

THE SUMMARY AND BACKGROUND

Intruders' lies, forgeries, larceny and malicious prosecution have prevented the probate of the last Will of Julia Taschereau dated November 22, 1997 pursuant to SCPA §2110 Note 259; SCPA §2113 Notes 5, 6, 7, 8, 9, 11, 12; SCPA §§205 & 206; SCPA §2104 Note 4, 6; SCPA 1701 to 2200; SCPA §1408(2); CPLR §4519; and EPTL §3-2.1, and on the facts in the record. The narrow scope of the jurisdiction of the probate court is to probate a Will or refuse to probate a Will, based upon facts presented by all parties during discovery and 1404 depositions. Probate Courts have no power to amend or add to a Will. The facts of the Will Proceeding of Julia Taschereau, the case at bar, are that on November 22, 1997, in the presence of three witnesses and an attorney, Julia Taschereau, of sound mind and in full testamentary capacity, without any controlling influence over her by any person present or not present, signed her Will giving her apartment and its contents to her daughter Elizabeth. She not only knew exactly what she was doing but planned her Will signing, invited the witnesses, and assisted the Attorney in writing her testament which deliberately and intentionally gave her daughter Julia Danger no shares in testatrix's fully-owned apartment due to Julia Danger's years of severe harassment and abuse of testatrix. Combier asks that this court award her all the stolen property withheld from her by Julia Danger, Mr. Wasserman, and Mr. and Mrs. Leonard Mark and that these same be returned to her immediately, also as a matter of law in this case.

BACKGROUND

On March 16, 1998, the live-in housekeeper found her employer Julia Taschereau dead in her bed. This person called Elizabeth Combier, who lived about 12 blocks away, at about 5:30AM, and told her of her mother's death.

Combier called Madison Avenue Presbyterian Church, where, the previous evening, Julia Taschereau had managed a large concert. Proponent told Associate Pastor Charles Amstein about the death of her mother. Mr. Amstein arrived about ½ hour later, and told Ms. Combier that he would take care of everything, and the apartment would now be taken care of as well. He was not aware that the decedent had written a Will giving daughter Elizabeth Combier the apartment, in accordance with her letters to the Trustees and the Board telling the officers that she, Julia Taschereau, wanted her daughter

Elizabeth Combier to get "rights of survivorship" to the apartment (See also Citation; motion).

On March 17, 1998, a man pretending to be the lawyer for Julia Danger and named Kenneth T. Wasserman, called Ms. Combier and told her that she "would be sorry" that she had been given the apartment. Mr. Wasserman threatened and harassed her, that he was going to "get [you] Ms. Combier".

Soon after the sudden death of Julia Taschereau, personnel of Madison Avenue Presbyterian Church contacted Guide One Insurance Company in West Des Moines, Iowa and Indianapolis, Indiana (litigation department). Contacted also were Mr. Kenneth Wasserman, Supreme Court Judge Jacqueline Silbermann, the law firm of Proskauer Rose, and the court of the Manhattan Surrogate. Sometime after March 1998 and before June 1999, a deal was made to obtain and distribute monies recovered from the property left by Julia Taschereau to these parties and not to Elizabeth Combier. Mr. Kenneth Wasserman and Ms. Danger stole all the valuable property inside decedent's apartment, without proponent's knowledge or consent, in April-June 1998. Danger stole valuable letters from her mother in August 1997, and admitted that she had these letters when she brought exact copies to her deposition in August, 2000.

Mr. Wasserman was hired by Guide One to allege he represented Julia Danger, one of Julia Taschereau's twin daughters, in a scheme to gain control of all the property left to Elizabeth Combier, the other twin daughter. Julia Danger lives in Paris France and was formerly married to a French criminal named Claude Danger. Sources report that Ms. Danger's occupation in Paris is selling sex.

Sometime before June, 1999, Mr. Wasserman did, upon information and belief, contact New York Surrogate's Court Senior Attorney Mary Santamarina and planned the theft and prosecution of Elizabeth Combier ("Proponent"), Executrix of the 1997 Will of Julia Taschereau.

In February 2000 the false allegations against Ms. Combier were filed as Objections To Probate in Manhattan Surrogate Court, and the pre-arranged scheme to rob Ms. Combier of her bequeathed property was put in Motion by the co-conspirator, New York Surrogate Court Judge Renee Roth's Senior Attorney Mary Santamarina, and secretary Dorothy Henderson. Sources who work with this Court and the Supreme Court, as well as Attorney Eli Uncyk, have told Ms. Combier the details of this scheme.

Part of this scheme was to prosecute Ms. Combier for alleged actions that were made up by Mr. Wasserman and the Trustees of Madison Avenue Presbyterian Church to defame her [Ms. Combier] in Supreme Court as a thief and co-conspirator with a well-known politician named Hank Sheinkopf as they supposedly stole money from a Trust set up for Ms. Combier and Ms. Danger by Samuel Strauss (thus not part of Julia Taschereau's estate) without the Co-Trustee Banker's Trust knowing about this, or the collaboration of the Bank (as yet unclear), and Ms. Combier, with Mr. Sheinkopf's approval, allegedly used attorney Kenneth Brown to perpetrate this crime, which they, Ms. Danger, Mr.

Wasserman, and the members of the Surrogate Court and MAPC, called “undue influence” of Julia Taschereau. All of the allegations are absurd, baseless, and untrue, and have never been substantiated by anyone at any time, (Exhibit 4) and, as explained to Proponent Combier, the collusion of this Court with Mr. Wasserman, Ms. Danger, and Mr. and Mrs. Mark as well as with Mr. Peter Schram and Public Administrator Ethel Griffin made showing any proof of the allegations unnecessary, as this Court had decided not to probate the 1997 Will of Julia Taschereau in 1999.

The Samuel Strauss Trust ended when Julia Taschereau, the Co-Trustee with Banker’s Trust, died on March 16, 1998. In 1999, both Julia Danger and Elizabeth Combier signed an agreement to receive the remainder of the funds; and Julia Danger agreed not to hold Banker’s Trust or Elizabeth Combier liable for any Trust-related matters (“Notice of Motion To Take Judicial Notice and Dismiss All Proceedings, To Vacate All Orders and Note of Issue On Grounds of Plaintiff’s Perjury and Lack of Judicial Subject Matter Jurisdiction, and To Sanction Plaintiff”, and audio tape, delivered via Certified mail to this Court, Mr. Peter Schramm, and DA Robert Morganthau on or about April 24, 2007 after a personal conference with Assistant District Attorney Eban Bronfman.).

In July 1999 Supreme Court Judge Beatrice Shainswit declared Mr. Wasserman’s action “Danger v Combier” ‘frivolous’, and threw it out.

In march 2000 Mr. Wasserman, Attorney Eli Uncyk., attorney Jonathan Landsman and Surrogate Court Senior Attorney Mary Santamarina came up with a new scheme to rob Elizabeth Combier of her inheritance and bequeathed property. They knowingly committed fraud in transferring the case “Danger v Combier” to Surrogate Court, even though all parties knew that Surrogate Judge Renee Roth had no subject matter jurisdiction (order dated July 24, 2006) to hear the case and no case existed, as Mr. Wasserman could not and did not bring in Banker’s Trust, the Trustee, as he had to do under Trust Law.

From 2001 to the present, the parties mentioned in paragraph 12, joined by Ethel Griffin and her Attorney Peter S. Schram, have VIOLATED Proponent’s due process and constitutional rights, and have perpetrated their theft and harassment with the approval of the personnel of the NYC Surrogate Court:

(a) called Elizabeth Combier at home screaming threats (some of these calls were recorded) that Ms. Combier must give her sister \$250,000-\$375,000 immediately, “or else”...and the Surrogate Court has found [Ms. Combier] guilty already of all the crimes claimed to have been perpetrated on her mother as alleged by Mr. Kenneth Wasserman, and nothing Ms. Combier can say or do will make any difference. (Taped conversations of Mr. Wasserman, Julia Danger, Mr. Schram, Mary Santamarina, Jonathan Landsman and Dorothy Henderson).

(b) hired as a referee, former and retired Judge Beatrice Shainswit to scream at Ms. Combier about being guilty “because you look guilty”, she said to Ms. Combier (June, 2004). Mrs. Santamarina appeared at this meeting to tell everyone that indeed the Surrogate’s Court had no jurisdiction at all over the matter called “Danger v Combier”, and that this matter could not be heard in Surrogate Court.

(c) put Ms. Combier in the hospital with heart failure after this Court ruled, on July 21, that Julia Taschereau died "intestate" and therefore the Public Administrator was allowed to take control over the stolen property withheld from Ms. Combier by Leonard and Martha Mark in Croton-on-Hudson. Mr. Peter Schram admitted to Ms. Combier during a taped conversation on July 25, 2006 (a day after Ms. Combier was released from the hospital) that he had seen the 1997 will and that Julia Taschereau had signed it in front of three witnesses. Mr. Schram told Ms. Combier that it didn't matter what the Will said, because Judge Roth had ordered the property to be given to Ethel Griffin. In another letter Mr. Schram told Ms. Combier that he and Mr. Wasserman were working together and did not have any intention of telling her [Ms. Combier] anything that they discussed. (d) admitted the existence and signing of the 1997 Will in an order dated July 24, 2006 (three days after declaring that Julia Taschereau died 'intestate'). Thus, this Court changed the Will of Julia Taschereau for 3 days so that Ethel Griffin and Peter Schram could share in the bounty, the valuable property left to Elizabeth Combier by her mother.

For 7 years Elizabeth Combier has requested evidence and/or proof of the allegations made by Kenneth T. Wasserman against her, and on or about August 1, 2007, Mr. Wasserman submitted papers to this Court admitting that all of his allegations made about Ms. Combier since March 1998 were false, and his statements were baseless lies. This Court has no subject matter jurisdiction over a matter that appears on the computer of the New York State Supreme Court but does not exist, namely "matter number 2" that this Court and Objectant's alleged lawyer Kenneth T. Wasserman tried to threaten Proponent to submit to a deposition on July 31, 2007. (Wasserman Motion to Dismiss).

This Court has admitted to having no jurisdiction over the issues cited in the "Danger v Combier" matter, and therefore cannot order a deposition of Proponent to testify in that case, which is what this Court erroneously ordered without jurisdiction on June 12, 2007.

As a matter of law, Proponent Elizabeth Combier has an absolute right to a probate proceeding of the 1997 Will of Julia Taschereau and a trial by jury. Both she and Mr. Wasserman asked for a trial by jury in their respective petitions. Proponent has produced facts sufficient to prove the Will, including proving due execution (agreed to by this Court, July 24, 2006), and providing this Court with the 1404 depositions of all parties who were present at the signing of the Will on November 22, 1997: Diane Stennett, Terrence McClusky, Helene Luchene, and drafter Kenneth Brown (See court record, all deposition testimony transcripts have been filed and certified). Matter of Wolf, 11 Misc.2d 936, 176 N.Y.S.2d 671 (New York County 1958); Matter of Price, 254 App. Div. 477, 5 N.Y.S.2d 457 (1st Dept 1938), affirmed 279 N.Y. 700, 18 N.E. 2d 320 (1938).

This Court has not satisfied the "good cause" standard to deny the Probate of the Last Will of Julia Taschereau signed on November 22, 1997. Contestant Danger has produced nothing but unsubstantiated defamatory and false claims about Proponent/Beneficiary Combier, for ten years. Danger has never given any documentation supporting or proving the baseless claims made in her Objections, has claimed to have no data to prove any claims, has no information in the Bill of Particulars, and this Court has proof that the only

Objection still standing, that of undue influence, has been claimed by Danger without factual basis or evidence.

This Court has extended the time to provide Contestant Danger any possibility of making a probative claim against Proponent Combier, to the great prejudice of Combier. Contestant Danger has been unsuccessful in proving that there is any outstanding objection that is valid to postpone the Probate of the 1997 Will of Julia Taschereau. Any further delay in probating the 1997 Will in favor of Proponent will unfairly prejudice the Proponent. See the Matter of Mills, N.Y.L.J., November 9, 1978, at 14, col. 3 (Bronx).

This Court must consider the circumstances that may or may not support undue influence as a question of fact. (Matter of Stacer, 13 A.D. 2d 164, 214 N.Y.S.2d 746 (4th Dept. 1961). In the case at bar, testator's physical, mental, and emotional condition at the moment of the signing of the 1997 Will as well as at her death, was sound, competent, and independent. There is no evidence whatsoever that Julia Taschereau was impaired in any way mentally, was under anyone's control or influence, and was unable or unwilling to make decisions concerning her life and her property.

All "witnesses" brought forth by Mr. Wasserman to the "undue influence" over Julia Taschereau by her daughter Elizabeth Combier are forbidden by the Dead Man's Statute and serve only to prejudice this Court or a jury against Proponent Combier with lies, as Mr. Wasserman and Ms. Santamarina have threatened to do for seven years.

21. The facts show that for several years before Julia Taschereau's death in 1997, Objectant Julia Danger became increasingly unstable, vindictive and brutal in her abuse of her mother, to the point of Taschereau requesting her daughter Elizabeth Combier to take power of Attorney over her affairs, as she was afraid that Danger would permanently harm her or contribute to her death.

22. The facts show that:

(a) the deceased told her friend Ms. Priscilla McOstrich about her fear of her daughter Danger,

(b) that Scott Vanos saw Objectant Danger physically abuse her mother while at the Church,

(c) that Julia Taschereau worked at the Church on the day of her death and arranged for a large concert attended by more than 300 people;

(d) that there was no fraud that induced the signing of the 1997 Will by Julia Taschereau in front of four witnesses and the 1997 Will cannot be invalidated.

(e) that Judge Roth locked Ms. Combier in her courtroom on October 26, 2007.

The single issue that remains for trial is the matter of undue influence. Undue influence is a question of fact, but unless the contestant can produce substantial evidence inconsistent with a finding that the testator's will reflected her real wishes, this Court should not permit the issue to go to a jury. Matter of Fiumara, 47 N.Y.2d 845, 418 N.Y.S.2d 579, 392 N.E. 2d 565 (1979). Undue influence must be true moral coercion that destroys the testator's ability to act independently, leading to the testator acting against her own wishes because she cannot refuse or is too weak to resist the demands of the person exerting undue influence over her. Matter of Walther, 6 N.Y. 2d 49, 188 N.Y.S.

2d 168, 159 N.E. 2d 665 (1959); Matter of Beneway, 272 A.D. 463, 71 N.Y.S. 2d 361 (1947). Exercising some control over the testator's activities, giving advice and trying to persuade the testator may be influence, but it is not undue influence unless the testator's free will was overcome. See e.g., Matter of Klitgaard, 83 A.D. 2d 651, 442 N.Y.S. 2d 590 (3d Dept 1981). Not sufficient for a finding of undue influence is a prima facie case of undue influence by showing that the "influencer" was a beneficiary under the Will, that she participated somehow in the preparation or execution of the Will, and that she exercised influence on the testator. (Matter of Walther, 6 N.Y.2d 49, 188 N.Y.S.2d 168, 159 N.E.2d 665 (1959); Matter of Hedges, 100 A.D.2d 586, 473 N.Y.S.2d 529 (2nd Dept 1984)). It is not sufficient to show that the influencer had an opportunity to exert undue influence and the motive to do so without some other evidence of the influence. Matter of Burke, 82 A.D. 2d 260, 441 N.Y.S. 2d 542 (2d Dept 1981). This Court must consider the circumstances that may or may not support undue influence as a question of fact. (Matter of Stacer, 13 A.D. 2d 164, 214 N.Y.S.2d 746 (4th Dept. 1961). In the case at bar, testator's physical, mental, and emotional condition at the moment of the signing of the 1997 Will as well as at her death was sound, competent, and independent. There is no evidence whatsoever that Julia Taschereau was impaired in any way mentally, was under anyone's control or influence, and was unable or unwilling to make decisions concerning her life and her property.

Testamentary Capacity: Proponent has presented this Court with evidentiary proof that the testatrix was of sound mind, knew what property she owned, knew which persons society would consider the natural objects of her bounty, and knew the contents of her Will. Testatrix Julia Taschereau was of sound mind at all times in her life until the moment of death, including at the time of execution of her November 1997 signing of her Will, and was able to make decisions in light of her knowledge of the Will and her property. Matter of Kaplan, 50 A.D.2d 429, 387 N.Y.S. 2d 105 (3rd Dept 1976), affirmed 41 N.Y. 2d 870, 393 N.Y.S. 2d 993, 362 N.E. 2d 623 (1976); Matter of Bush, 85 A.D. 2d 887, 446 N.Y.S. 2d 759 (4th Dept 1981); Matter of Coddington, 281 App. Div. 143, 118 N.Y.S. 2d 525 (3rd Dept 1952), affirmed 307 N.Y. 181, 120 N.E. 2d 777 (1954). 25. The 1404 depositions show that the attesting witnesses all gave their opinion that the testatrix had testamentary capacity at execution. Clapp and Fullerton, 34 N.Y. 190 (1866).

Danger submitted to this Court on August 1, 2007, a Motion to deny the probate of the 1997 Will, and asked this Court to replace the 1997 Will of Julia Taschereau with a Will dated 1989 that was never signed (see Wasserman Motion to Dismiss).

27. Whereas Mr. Kenneth Wasserman and Objectant Julia Danger have perjured themselves before this Court to prejudice the case at bar against Proponent Combier, and whereas this Court cannot order that Proponent Combier be deposed in a matter over which this Court has no jurisdiction, (Matter #2, Danger v Combier), Proponent requests that the 1997 Will of Julia Taschereau proceed immediately to trial or this Court grant Summary Judgment to Proponent Combier; that this Court sanction Objectant and her Attorney; and that this Court immediately Probate the 1997 Will of Julia Taschereau and return the property removed from the apartment of Julia Taschereau returned to Proponent Combier.

Dated: April 1, 2009
Elizabeth Combier
315 East 65th Street
New York, NY 10021

Mr. Kenneth Wasserman
350 Fifth Avenue Suite 4810
New York, NY 10118

Ms. Julia Danger
47, Avenue Mathurin Moreau
Paris 75019 France

Ms. Julia Danger
1 Walforth Avenue
Scarsdale, NY 10583

Mr. Peter Schram, Esq.
350 Broadway Suite 515
New York, NY 10013