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January 3, 2005

VIA FEDERAL EXPRESS

Hon. Sterling Johnson, Jr.,  
United States District Court Judge,  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: LOPRESTI v. CITIGROUP, et.al.  
CV-02-6492 (SJ) (VVP)

Dear Judge Johnson:

I represent the plaintiff in this action. Plaintiff just learned that the magistrate judge and his wife have been doing business with Citibank, a subsidiary of Citigroup. He never revealed this to me.

According to the records I saw today at the Kings County Clerk' office, it appears that Citibank holds the mortgage on the house or coop, that the magistrate judge owns. His mortgage was assigned from Chase Manhattan Mortgage Corporation to Citibank, NA. This was recorded or filed on March 29, 2001 at 12:16:31 AM.

It also appears that the magistrate judge received an increase in his loan. He was lent more money by Citibank pursuant to filings made in the County Clerk's records on April 7, 2004.

If the Clerk's files in Brooklyn are correct, justice demands that the magistrate judge be recused from this case as soon as possible, that the orders he issued should all be vacated, there be a referral of these findings to the appropriate entities, and that the hearing he has scheduled for January 5, 2005 be cancelled.

Respectfully,

Henry M. Grubel

Cc: Hon. U.S. Magistrate Judge Viktor V. Pohorelsky.  
David Covey, Esq.  
Michael Ference, Esq.  
David Lender, Esq.

