

defendants, including the defendant, HARRY E. SEIDELL, knew that plaintiff's Writ of Habeas Corpus, which was the subject of the aforementioned decision of July 28, 1977, had been sustained on the ground of lack of jurisdiction and denial of fundamental constitutional rights.

5. On and prior to the 7th day of March, 1978, the defendants, including the defendant, HARRY E. SEIDELL, knew that the procedures he was following on March 7-8, 1978, were jurisdictionally and constitutionally defective, inter alia, for the reasons set forth Mr. Justice GEORGE F.X. McINERNEY in his decision of July 28, 1977.

6. On and prior to the 7th day of March, 1978, the defendants, including the defendant, HARRY E. SEIDELL, knew that the Order of Mr. Justice GEORGE F.X. McINERNEY, dated November, 14, 1977 was binding on the parties, until and unless reversed or modified on appeal.

7. On March 7-8, 1978, the defendant, HARRY E. SEIDELL, with actual knowledge that he did not have jurisdiction over the plaintiff, with a manifest lack and clear absence of jurisdiction, the said defendant tried, adjudicated and sentenced plaintiff, all in absentia.

8. With knowledge that the Order of Criminal Contempt and Warrant of Commitment issued on March 8, 1978, was void, sham, and spurious, the defendants published same in order to defame, embarrass, and harass the plaintiff.

9. With knowledge that the Sheriff and his Deputies of Suffolk County did not have jurisdiction outside of

A25

Suffolk County, except under circumstances and conditions not here relevant, the defendants authorized, sent, and went outside of Suffolk County in order to defame, harass, intimidate, imprison, assault and abduct the plaintiff and otherwise transgress and deny him his constitutional and legal rights.

10. Although the plaintiff was willing to make himself available to the Sheriff and his Deputies at such places outside the County of Suffolk so that they could execute the aforementioned void, sham and spurious Warrant of Commitment, if they desired to execute same, at such time as met with the convenience of the Sheriff and his Deputies, defendants refused to execute such Warrant because habeas corpus and other legal remedies and rights were readily available to plaintiff at such places.

11. There is a clear absence of jurisdiction for any person, including all the defendants herein, to prevent, obstruct, or hinder the issuance of a writ of habeas corpus, which the defendants knew during the time in issue herein.

12. That on the 10th day of June, 1978, the defendant, ANTHONY GRZYMSKI, and Deputy Sheriff EDWARD MORRIS of Suffolk County, with the permission, consent, and direction of the other defendants herein went outside of Suffolk County, assaulted, imprisoned, and abducted the plaintiff herein and otherwise denied him his constitutional rights of habeas corpus, access to counsel, access to police authorities, and other legal rights.

13. That such assaults upon plaintiff caused him serious physical injuries and he was threatened with still

further serious injuries unless he submitted to such abduction without further attempt to gain the aid of police authorities having jurisdiction at the time and places involved.

14. Having abducted the plaintiff to Suffolk County Jail, the defendants incarcerated the plaintiff in such manner as to be contrary to the laws of the State of New York, and refused him visitors or counsel.

15. Therafter, when plaintiff was ordered released under a Writ of Habeas Corpus, the defendants refused to release plaintiff but instead kept him incarcerated and imprisoned and intentionally gave him misinformation respecting same.

16. That furthermore, at a time when plaintiff should have been released pursuant to the aforementioned Writ of Habeas Corpus, the plaintiff was subjected to continuous assaults, abusive language, and threats by other prisoners with the knowledge and consent of the defendants herein and said defendants failed to take the proper steps to avoid same.

17. That by reason of the aforementioned, plaintiff has been damaged generally and specially and also demands punitive damages.

AS AND FOR A SECOND CAUSE
OF ACTION AGAINST ALL OF
THE DEFENDANTS

18. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" and "2" as if more specifically set forth at length herein, and further alleges.

19. On or about the 27th day of June, 1977 and the

17th day of August, 1977, the NEW YORK NEWS, INC., publishing and distributing a newspaper of general circulation in the City of New York and surrounding areas, published defamatory material concerning the plaintiff who was not a public figure, not involved with public matters, and on subject matters on which he did not voluntarily desire to become engaged in a public manner.

20. That such publications accused plaintiff of criminal activity, and moral turpitude, exposed him to opprobrium, contempt, aversion, and induced ill and unsavory opinion of him privately and in his profession in which he was then engaged, to wit, an attorney.

21. That such published material is annexed hereto and marked "Exhibit 1" and "Exhibit 2".

22. That such allegations were knowingly false and misleading, maliciously published and/or published in a wanton and grossly irresponsible manner without the due consideration for standards of information-gathering and dissemination followed by responsible parties.

23. That the defendant, NEW YORK NEWS, INC., published that plaintiff was jailed on June 23, 1977, setting forth numerous untruths in connection therewith: (1) falsely stating that the reason therefor was his failure "to provide a complete accounting"; (2) falsely stating that "state inheritance taxes have never been paid"; (3) falsely stating that plaintiff had been removed from office as executor of an estate in March of 1976; (4) falsely implying that he was immediately substituted by another; (5) falsely stating that

A28

plaintiff could "purge himself by giving (his successor) a complete accounting"; (6) falsely stating that plaintiff's successor was due but "had never received the accounting"; (7) falsely stating that plaintiff tried to sell estate property without authorization; (9) falsely implying that plaintiff knew he had no authorization to sell; (10) falsely stating that after June 23, 1977 additional criminal charges had been placed against the plaintiff; (10) falsely stating that plaintiff was being investigated by the Office of the District Attorney for criminal conduct; (11) falsely implying that plaintiff had given estate monies to an insurance company and a bank; (13) falsely implying that plaintiff was obligated to "personally" appear in court but had failed to do so; (14) and other deliberate or reckless, false, misleading, and improper statements.

24. That such false and misleading statements and material were given out-of-court and were disseminated as thereafter printed, to the NEW YORK NEWS, INC., by the defendants, ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI, and VINCENT G. BERGER, JR., or their authorized representatives, in their joint efforts to defame plaintiff, cause him harm and injuries. That other defamatory statements were made by these defendants, or their authorized representatives which are not presently in the possession of the plaintiff.

25. That such false statements and material were also imparted with the intent to deprive plaintiff of a fair and constitutional trial, which it did.

A29

26. That as a result thereof plaintiff sustained special damages in his profession and other injuries, for which plaintiff demands compensatory, general, and punitive damages.

AS AND FOR A THIRD CAUSE
OF ACTION AGAINST ALL THE
DEFENDANTS

27. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" and "2" as if more specifically set forth at length herein, and further alleges.

28. On or about the 30th day of January, 1978, plaintiff mailed to defendant, VIRGINIA D. MATHIAS, the sum of \$50 for certain stenographic minutes to which plaintiff was diligently entitled.

29. That plaintiff never received such minutes as ordered, nor did he agree to the terms and conditions that this defendant belatedly imposed for same.

30. That the reason plaintiff did not agree to the terms and conditions that defendant, VIRGINIA D. MATHIAS, imposed was that they were made after the expiration of the time when plaintiff needed such minutes in order to fairly prosecute his actions and defend himself.

31. That consequently plaintiff has demanded the return of such funds and same has been refused.

32. That for delaying the delivery of such minutes, which upon information and belief was done at the joint request of the other defendants and with them acting in

A30

concert, the plaintiff was otherwise damaged, specially and generally.

AS AND FOR A FOURTH CAUSE
OF ACTION AGAINST ALL OF
THE DEFENDANTS EXCEPT
CHARLES BROWN, HARRY E.
SEIDELL, and NEW YORK NEWS INC.

33. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" and "2" as if more specifically set forth at length herein, and further alleges.

34. Because plaintiff would not silently cooperate in the illegal and irregular procedures of the defendant, ERNEST L. SIGMORELLI, ANTHONY MASTROIANNI, and VINCENT G. BERGER, JR., in March of 1977 and subsequent thereto, in retaliation for the plaintiff bringing a proceeding against the defendant, ERNEST L. SIGMORELLI, and for other improper reasons, they, in plaintiff's absence, acting jointly and in concert, conspired and did hold a "mock trial" in plaintiff's absence, tried plaintiff for criminal contempt, found him guilty, and sentenced him to be incarcerated in the Suffolk County Jail.

35. The defendant knew that there was no jurisdiction over the plaintiff to try him, make an adjudication, and sentence him for criminal contempt all in absentia, and same was done in order to pervert process by the issuance of a void warrant of commitment.

36. That on June 22-23, 1977, the defendants drew up a contempt order and warrant of commitment asserting false and

A31

contrived facts on the face thereof when the defendants knew they had no such jurisdiction over the plaintiff.

37. It is further agreed by the defendants that the defendants, CROCE and GRZYMALSKI, would journey to plaintiff's residence in the early hours of June 23, 1977, without prior notice to plaintiff, cause his arrest, bring him to the defendant SIGNORELLI and not to the Suffolk County Jail as provided in the contempt order.

38. It was further agreed that at no time would plaintiff be permitted access to any other Court or Judge, directly or indirectly, knowing that such course of conduct was illegal and unconstitutional and clearly defendants had no jurisdiction to do so.

39. They further agreed that the plaintiff, prior to being brought before the defendant, ERNEST L. SIGNORELLI, would not be permitted to communicate with any attorney or person who might aid the plaintiff by reason of the aforementioned void and unconstitutional order and warrant with knowledge that they had no jurisdiction to so act and acting clearly in excess of jurisdiction.

40. That such Warrant of Commitment was perverted by defendants with intent to harm plaintiff and cause him to relinquish his legal rights. Such Warrant was used as "color of authority" to send deputy sheriffs of Suffolk County outside of their bailiwick in order to arrest and abduct plaintiff; to hold him incommunicado; to subject him to the assaults of defendant, VINCENT G. BERGER, JR.; and to otherwise deny plaintiff his legal rights, all to his

damage, generally, specially, and punitive against defendants.

AS AND FOR A FIFTH CAUSE
OF ACTION AGAINST ALL OF
THE DEFENDANTS EXCEPT
CHARLES BROWN, HARRY E.
SEIDELL, AND NEW YORK NEWS, INC.

41. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" and "2" as if more specifically set forth at length herein, and further alleges:

42. On June 22, 1977, the defendant, ERNEST L. SIGNORELLI, as a complainant caused to be issued a criminal contempt complaint against plaintiff which ultimately resulted in his false arrest and unlawful incarceration.

43. That such arrest and incarceration was thereafter voided and such determination affirmed on appeal.

44. As a result of such malicious prosecution, plaintiff has been generally and specially damaged and also seeks punitive damages.

AS AND FOR A SIXTH CAUSE
OF ACTION AGAINST ALL OF
THE DEFENDANTS EXCEPT
CHARLES BROWN, HARRY
E. SEIDELL, AND NEW YORK NEWS INC.

45. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" and "2" as if more specifically set forth at length herein, and further alleges.

46. By statute any

"complaint ... relating to
the conduct ... of an
attorney ... shall be
sealed and be deemed
private and confidential."
Judiciary Law §90(10).

46. On or after the 24th day of February, 1978, in violation of the aforementioned statute, the defendant, ERNEST L. SIGNORELLI caused to be published in the New York Law Journal and directly to various other persons a complaint regarding the professional practices of plaintiff.

47. That the defendants knew that the "appropriate tribunal for disciplinary action" over plaintiff was in the first instance was the Joint Bar Association Grievance Committee of the Ninth Judicial District and not the Appellate Division.

48. That the defendant, ERNEST L. SIGNORELLI, knowingly made such complaint directly to the Appellate Division in order to prejudice plaintiff in a pending appeal wherein he was involved with this defendant, to prejudice future proceeding before defendant, HARRY E. SEIDELL, and in order to facilitate publication of same in the New York Law Journal.

49. That on information and belief the defendants the defendants resorted to exceptional devices in order to obtain publication of the diatribe of ERNEST L. SIGNORELLI in the New York Law Journal, which otherwise was without legal value.

50. That as a result thereof plaintiff has sustained general and specific damages and demands punitive damages in addition thereto.

A34

AS AND FOR A SEVENTH CAUSE
OF ACTION AGAINST ALL THE
DEFENDANTS EXCEPT CHARLES
BROWN, HARRY E. SEIDELL,
AND NEW YORK NEWS, INC.

51. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" and "2" as if more specifically set forth at length herein, and further alleges.

52. That on the 24th day of February, 1978, the defendant, ERNEST L. SIGNORELLI, recused himself from all judicial functions wherein the plaintiff appeared as a party or as an attorney, and in particular with respect to the Estate of Eugene Paul Kelly.

53. That on the 24th day of February, 1978, the plaintiff was not a public figure, not involved with public matters, and was not engaged in subject matters on which he voluntarily desired to become engaged in a public manner.

54. That subsequent to the 24th day of February, 1978, the defendant, ERNEST L. SIGNORELLI, caused to be published to various persons and in the New York Law Journal matters which accused plaintiff of moral turpitude, exposed him to opprobrium, contempt, aversion, and induced loss of respect and low and unsavory opinion of him privately and in his profession, in which he was then actively engaged, to wit, as a practicing attorney.

55. That such published material is annexed hereto and marked "Exhibit 3".

56. That such allegations were knowingly false and

A35

misleading, maliciously published in a grossly irresponsible manner, or with wanton disregard of their truth or falsity, and published "under color of authority" when clearly the defendant, ERNEST L. SIGNORELLI, had no authority to speak on such subjects.

57. Furthermore, the said Exhibit "3" was published in order to prejudice plaintiff in legal proceedings not pending before ERNEST L. SIGNORELLI.

58. That upon information and belief the defendant, ERNEST L. SIGNORELLI, went through extraordinary effort to obtain the publication of same in the New York Law Journal.

59. That the said publication was a farrago of untrue, distorted, and misleading statements, under guise of being a "decision", when there was in fact no application pending before the said ERNEST L. SIGNORELLI to necessitate same.

60. That any and all applications for recusal of ERNEST L. SIGNORELLI had been previously denied by him and said defendant had reincarnated such application, sua sponte, as a vehicle and excuse for such diatribe.

61. The publication (1) falsely stated that plaintiff "was evading service of process"; (2) falsely states that plaintiff "was removed" on March 25th, 1976 as fiduciary; (3) misleadingly states that plaintiff "defaulted in appearance" on an examination before trial; (4) falsely states that plaintiff requested a trial on "June 15th, 1977"; (5) falsely states that plaintiff secured a writ of habeas corpus from

A36

the Appellate Division on June 21st, 1977; (6) falsely states that the writ was sustained on "technical grounds"; (7) falsely states that plaintiff evaded "service of further process" to adjudge him in contempt of court"; (8) falsely states that the application presented to Supreme Court, Nassau County was needless, and truncates such application; (9) misleading states the reason for plaintiff's non-appearance on December 13, 1977 as deliberate; (10) misleadingly implies that plaintiff's non-appearance on January 26, 1978 was deliberate and inexcusable; (11) falsely states that plaintiff refused to identify the matter he was engaged in on the 26th day of January, 1978; (12) falsely states that plaintiff refused to identify the court that he was engaged in on January 27, 1978; (13) falsely states that plaintiff's conduct "made it virtually impossible to adjudicate the issues raised in this litigation"; and (14) other false and misleading statements.

62. That such false and misleading statements were made to defame plaintiff, cause him harm and injuries.

63. That as a result thereof plaintiff sustained special damages in his profession and other injuries, for which plaintiff demands compensatory, general, and punitive damages.

AS AND FOR AN EIGHTH CAUSE
OF ACTION AGAINST ALL THE
DEFENDANTS EXCEPT NEW YORK
NEWS, INC.

64. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" and "2" as if more specifically set forth at length herein, and further alleges.

65. That in an effort to intimidate plaintiff into abandoning his legal rights and in retaliation for the plaintiff's legal opposition to defendants improper and unconstitutional violation of plaintiff's rights, these defendants set about to harass, defame, annoy, and injure the family of the plaintiff, and more particularly the wife of the plaintiff.

66. Such activities included issuing to her a subpoena returnable approximately one hundred miles from her home and office for a date when no trial was scheduled; defaming her personally and in her profession in Exhibit "3", when she was neither a party or an attorney in said matter, and had not been so for some considerable period of time, of which fact defendants were fully aware; making telephone calls to her and otherwise communicating with her, in an obvious attempt to annoy, harass and intimidate her; making false and spurious belated charges respecting her professional conduct; not permitting her, as his wife, to visit plaintiff when he was incarcerated; not permitting her, as his attorney, to visit the plaintiff when he was incarcerated; and incarcerating her after she presented a writ of habeas corpus. The defendants also denied plaintiff's daughter the right to visit him when

A38

he was incarcerated and also imprisoned her when she accompanied plaintiff's wife for the purpose of serving a writ of habeas corpus.

67. That by reason of the foregoing, plaintiff demands damages, general, special, and punitive.

AS AND FOR A NINTH CAUSE
OF ACTION AGAINST ALL THE
DEFENDANTS EXCEPT NEW YORK
NEWS, INC.

68. Plaintiff repeats, reiterates, and reallages each and every allegation of the complaint marked "1" and "2" as if more specifically set forth at length herein, and further alleges:

69. That by many divers methods the defendants entered upon a course of conduct in order to harass, annoy, and injure plaintiff, including impersonations of peace officers making inquiries concerning plaintiff, bringing and prosecuting matters which had no legal merit, appealing matters of no legal merit, making false and spurious complaints and charges, including one for assault second degree which was dismissed on a probable cause hearing.

70. That by reason thereof, plaintiff demands damages, special, general, and punitive.

WHEREFORE, plaintiff demands judgment against the defendants in the sum of ten million dollars general and compensatory damages and ten million dollars punitive

A39

damages, together with costs and disbursements of this
action.

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for plaintiff-
pro se.
75 Wykagyl Station,
New Rochelle, New York, 10804

914-636-4050

Verified December 15th, 1978

A40

Lawyer to Answer Charges on Estate

WARWINE

By ART PENNY

Libel Suit

A New Rochelle lawyer must appear in Supreme Court in Riverhead today to explain why he should not be jailed for 30 days after being found in contempt of court last week by Suffolk Surrogate Ernest Signorelli.

Judge Signorelli ordered George Sassower 53, of 30 Mildred Parkway, New Rochelle, jailed last Thursday for 30 days, after finding him guilty of contempt. The judge ruled that Sassower removed as executor of a \$100,000 estate 13 months ago and to provide a complete accounting of the estate's assets.

Another judge released Sassower on \$700 bail and ordered that he show up in court this morning to explain why he should not serve the jail term.

Sassower was executor of the estate of Eugene Paul Kelly of Bay Shore, who died on April 26, 1972, leaving his estate to a daughter and several grandchildren. Sassower, according to the three-inch thick court file on the case, hired his wife, Doris, also an attorney, to represent him as executor.

State inheritance taxes have never been paid and Kelly's heirs have yet to receive their bequests, the court papers indicate. Judge Signorelli first held Sassower in contempt in March 1976, when he removed him as executor, and named Suffolk Public Administrator Anthony Mastroianni to handle this estate.

However, the judge explained that he allowed Sassower to purge himself of the contempt charges by giving Mastroianni a complete accounting of the

estate. Mastroianni never received the accounting and finally Judge Signorelli ordered Sassower jailed.

Attorneys for the beneficiaries claim mishandling of the estate, which includes bank accounts and properties, including an allegation that Sassower after his removal as executor, tried to sell Kelly's home at 1432 Manatuck Blvd., Bay Shore, last Dec. 2. The courts halted that sale.

Exhibit 1 - June 27, 1977.

A41

Lawyer Faces 2d Charge In Bay Shore Estate Case

WARNING - Label Suit AGAINST THE NEWS

By ART PENNY

New Rochelle lawyer George Sassower, in a battle with Suffolk Surrogate Ernest Signorelli for 18 months over his handling of the \$100,000 estate of a Bay Shore man who died five years ago, was accused of criminal contempt of court for the second time yesterday.

Sassower, 53, of 30 Mildred Parkway, won a reversal two weeks ago of his first contempt conviction. But yesterday, he failed to appear in Surrogate's Court Riverhead, as ordered by Suffolk County Judge Oscar Muray, sitting in for the vacationing Signorelli.

Accounting Ordered

Sassower, executor of the estate of Eugene Paul Kelly, who died April 20, 1972, was removed as executor on March 9, 1976. He was ordered to make a complete accounting of the estate and turn over all records to Public Administrator Anthony Mastroianni.

Mastroianni said he has never received the accounting and yesterday testified that Sassower was writing checks last month on Kelly's estate. He said that checks for \$200 to an insurance company and \$400 to a bank were made out by Sassower.

Signorelli convicted Sassower of contempt on June 22 and ordered him jailed for 30 days. Two weeks ago Supreme Court Justice George F. X. McInerney reversed that conviction, holding that Sassower had not been ordered to appear in court and thus had no opportunity to confront the witnesses.

Reserves Decision

Vincent Berger, counsel to the public administrator, noted that Sassower was served Aug. 10 with Muray's order directing him to appear yesterday, when he could have fought the contempt proceedings. Muray re-

served decision. Meanwhile, the Suffolk district attorney's office is investigating Sassower's handling of the estate, including allegations that he tried to sell Kelly's Bay Shore home last December although he had been removed as executor several months earlier.

The beneficiaries, a daughter and several grandchildren, have never received their bequests, court records indicate.

