

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

GEORGE SASSOWER,

Plaintiff,

77C 1447

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,
VINCENT G. BERGER, JR., JOHN P. FINNERTY,
ALLEN KROOS, ANTHONY WISNOSKI, and
LEONARD J. PUGATCH,

Defendants.

-----X

Plaintiff complaining of the defendants
respectfully sets forth and alleges:

1. The jurisdiction of this Court is invoked pursuant to the provisions of Title 28, United States Code, Sec. 1343, this being a suit in law and equity which is authorized by law, Title 42, United States Code 1983 et seq., brought to redress the deprivation under color of state law, statute, ordinance, regulation, custom or usage of rights, privileges, and immunities secured by the Constitution and laws of the United States or by any Act of Congress providing for equal rights of citizens. The rights here sought to be redressed are rights guaranteed by the due process and equal

protection clauses of the Fourteenth Amendment to the Constitution of the United States and Article 42, United States Code, Sec. 1981 et seq., as hereinafter more fully appears.

AS AND FOR A FIRST CAUSE
OF ACTION AGAINST THE
DEFENDANTS, ERNEST L.
SIGNORELLI, ANTHONY
MASTROIANNI, and VINCENT
G. BERGER, JR.

2. All of the times hereinafter mentioned, plaintiff was and still is a citizen of the United States and within the jurisdiction of the United States.

3. The State of New York has enacted a statutory scheme of justice regarding the administration and adjudication of estates which is mainly found in the Surrogate's Court Procedure Act (hereinafter called "SCPA").

4. Suffolk County was and still is a political subdivision of the State of New York.

5. There is only one Surrogate of Suffolk County, and he adjudicates all cases and controversies in that jurisdiction relating to estates, appoints or has the power to appoint all or substantially all of the employess of the Surrogate's Court: Suffolk County, including assistants, clerks, attendants, and court reporters, who serve at his pleasure.

6. The Surrogate of the County of Suffolk appoints the Public Administrator who in turn appoints his attorney.

7. The Surrogate appoints and removes guardians and other fiduciaries

8. The Surrogate of Suffolk County passes on the disbursements of the Public Administrator, fixes the fee and passes on the disbursements of the attorney for the Public Administrator, guardians, and other fiduciaries.

9. The Office of the Public Administrator is located in the same building as the Surrogate's Court: Suffolk County, which is maintained by The County of Suffolk and/or The State of New York and they share common expenses.

10. The present Surrogate of Suffolk County is the defendant, ERNEST L. SIGNORELLI.

11. The present Public Administrator for Suffolk County is the defendant ANTHONY MASTROIANNI.

12. The present attorney for the Public Administrator is the defendant, VINCENT G. BERGER, JR.

13. On information and belief, a substantial portion of the time, energy, and activity of defendant, ERNEST L. SIGNORELLI, if not the major portion, is making appointments and passing on applications for fees and disbursements for his appointees and others.

14. The importance of the position of Surrogate of Suffolk County is due to the extraordinary large patronage power and authority controlled by the Surrogate.

15. That the nexus between the Surrogate, the Public Administrator, and the attorney for the Public Administrator, by law, custom, and usage is such that they are the agents and servants of the Surrogate.

16. That on information and belief, the monies supporting such patronage as aforementioned, comes from The State of New York, The County of Suffolk, the litigants, the attorneys for the litigants, and the estates being administered.

17. That on information and belief, the Surrogate of Suffolk County in adjudicating cases and controversies, involve in substantial number persons and attorneys who have been appointed directly or indirectly by the Surrogate of the County of Suffolk and it is he who fixes their fees and disbursements.

18. The cases and controversies adjudicated by the defendant, ERNEST L. SIGNORELLI, were cases and controversies adjudicated by the courts at and prior to the formation of the United States and State of New York.

19. On information and belief, in adjudications between the appointees of the defendant, ERNEST L. SIGNORELLI and others, the defendant, ERNEST L. SIGNORELLI, is not, in law or fact, an impartial and disinterested judicial officer; has inconsistent obligations to his friends and political affiliates with that of his judicial function; does not hold a detached and neutral position; is partial; profits indirectly from his appointments, adjudications, fee allowances, and expense allowances; presents an intolerably high and unconstitutional invitation for the defendant, ERNEST L. SIGNORELLI, to prefer his personal, social, and political obligations to that owed to his judicial obligation for a fair trial and adjudication.

20. Plaintiff is a non-judicially designated litigant in Surrogate's Court: Suffolk County involving the Public Administrator and a guardian appointed by the defendant, ERNEST L. SIGNORELLI.

21. On information and belief, the appointees of defendant, ERNEST L. SIGNORELLI, to insure future appointments, favorably allowances, and other inconsistent reasons with their office, also have subserved and tend to subserve their obligations towards their clients in favor of defendant, ERNEST L. SIGNORELLI.

22. That by reason of the job and economic power that defendant, ERNEST L. SIGNORELLI has over the employees of Surrogate's Court: Suffolk County and the nexus between the defendant, ERNEST L. SIGNORELLI, the employees of Surrogate's Court: Suffolk County, and his appointees, directly or indirectly that Court in not fairly, impartially, or constitutionally administered.

23. That by reason of the aforementioned these defendants under color of statute, regulation, custom, and usage deprive plaintiff and others similarly situated, and continue to do so of their rights, privileges, and immunities secured by the Constitution and Laws of the United States.

AS AND FOR A SECOND
CAUSE OF ACTION AGAINST
ERNEST L. SIGNORELLI AND
JOHN P. FINNERTY.

24. Plaintiff repeats, reiterates, and realleges each and every allegation heretofore made in every paragraph of the complaint as if more fully set forth at length and further alleges:

25. That the defendant, JOHN P. FINNERTY, was and still is the Sheriff of Suffolk County of the State of New York.

26. That on June 22, 1977 the defendant, ERNEST L.

SIGNORELLI caused to be issued and entered a summary Order of Criminal Contempt and Warrant of Commitment in the County Jail of Suffolk County against plaintiff, who was to be incarcerated in said jail for a period of thirty (30) days.

27. That plaintiff timely served and filed a Notice of Appeal from said Order of Criminal Contempt.

28. In addition to other infirmities, the aforesaid Order of Contempt and the sentence thereof were both made without the presence of plaintiff, without due and proper notice to plaintiff, for acts which did not all occur in the Courtroom of the Surrogate's Court: Suffolk County or in the presence of the defendant, ERNEST L. SIGNORELLI.

29. Except for the arbitrary and unexplained omission relating to Surrogate's Court, the State of New York has provided in every other similar conviction, a defendant may apply for bail pending such appeal (Criminal Procedure Law Sec. 460.50).

30. That by reason of the aforementioned arbitrary omission, persons similarly situated have a bail remedy not accorded to plaintiff only because the alleged contempt took place in Surrogate's Court, and standards for bail for other courts are not applicable to plaintiff.

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

31. Plaintiff repeats, reiterates, and realleges each and every allegation heretofore made in every paragraph of the complaint, as if more fully set forth at length herein and further alleges:

32. The defendant, ALLEN KROOS, is an employee of the Sheriff of the County of Suffolk and at all of the times hereinafter mentioned he acted under color of State law, statute, ordinance, regulation, custom or usage.

33. The defendant, ANTHONY WISNOWSKI, is an employee of the Sheriff of the County of Suffolk and at all of the times hereinafter mentioned he acted under color of State law, statute, ordinance, regulation, custom, or usage.

34. The defendant, LEONARD J. PUGATCH, is an Assistant Attorney General of the State of New York and at all of the times hereinafter mentioned he acted under color of State law, statute, ordinance, regulation, custom or usage.

35. That under color of State law, statute, ordinance, regulation, custom or usage and on information and belief the defendants did conspire and by their joint activity did impede, hinder, obstruct, deprive and/or defeat the due course of justice with intent to deny plaintiff and other citizens of the equal protection of the laws, to injure them or their property for lawfully enforcing, or attempting to enforce, their right to the equal protection of the laws and other rights under the Constitution and the laws of the United States and/or having knowledge of the wrongs conspired to be done or about to be committed and having the power to prevent or aid in the prevention of the commission of the same, neglected or refused to do so in that the defendants, ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI and VICTOR G. BERGER, JR., did and/or conspired to alter records of the Court, had Orders made and entered in which the Court patently did not have jurisdiction, obstructed plaintiff's right to obtain public records, unconstitutionally orchestrated a criminal proceeding, made and permitted to be made false statements and certifications

on the records of the Court, caused plaintiff to be denigrated, disparaged, and defamed through the public press and otherwise, caused plaintiff to be improperly detained and imprisoned; in that the defendants, except for defendant, LEONARD J. PUGATCH, tried to defeat, hinder and obstruct plaintiff's right for a Writ of Habeas Corpus from the State and Federal Court, assaulted and permitted the assault of plaintiff while in custody, illegally detained plaintiff against his wishes at places other than the County Jail of the County of Suffolk, in that the defendants, ALLEN KROOS and ANTHONY WISNOSKI, failed to make official judgment or executive decision, and without hope of ultimate success and in dereliction of his duty to the Court, the defendant, LEONARD J. PUGATCH, at the behest of the defendants, ERNEST L. SIGNORELLI, and VICTOR BERGER, JR., has failed to disclose to the Court that the Order of Contempt was jurisdictionally and constitutionally invalid and undertook other actions and courses of conduct to harass plaintiff in time, money and effort.

WHEREFORE, with respect to the first cause of

action enjoining the defendant, ERNEST L. SIGNORELLI from hiring any further employees for Surrogate's Court: Suffolk County, directly or indirectly, except for personal assistants, enjoining the discharge of any employee of that Court, except personal assistants, except for cause; mandating that impartial reporters be assigned to such Court; enjoining the defendant, ERNEST L. SIGNORELLI, from awarding any fees or passing on any disbursements, except such fees as may be provided by statute, to his appointees or otherwise; enjoining any appointments, directly or indirectly; restraining defendants, ANTHONY MASTROIANNI and VINCENT G. BERGER, JR., from acting as Public Administrator and Attorney for the Public Administrator respectively, enjoining them from receiving any fees or disbursements, directly or indirectly, from Surrogate's Court: Suffolk County; compelling them to account for any and all fees and disbursements so received. With respect to the second cause of action staying and compelling the defendants, ERNEST L. SIGNORELLI and JOHN P. FINNERTY, to stay the incarceration of plaintiff until a final determination on appeal. With respect to the third cause of action awarding judgment in favor of plaintiff against the defendants for \$5,000,000 compensatory

and punitive damages, with costs and disbursements
of this action; together with any other, further, and/or
different relief as to this Court may seem just and
proper in the first and second cause of action.

Yours, etc.,

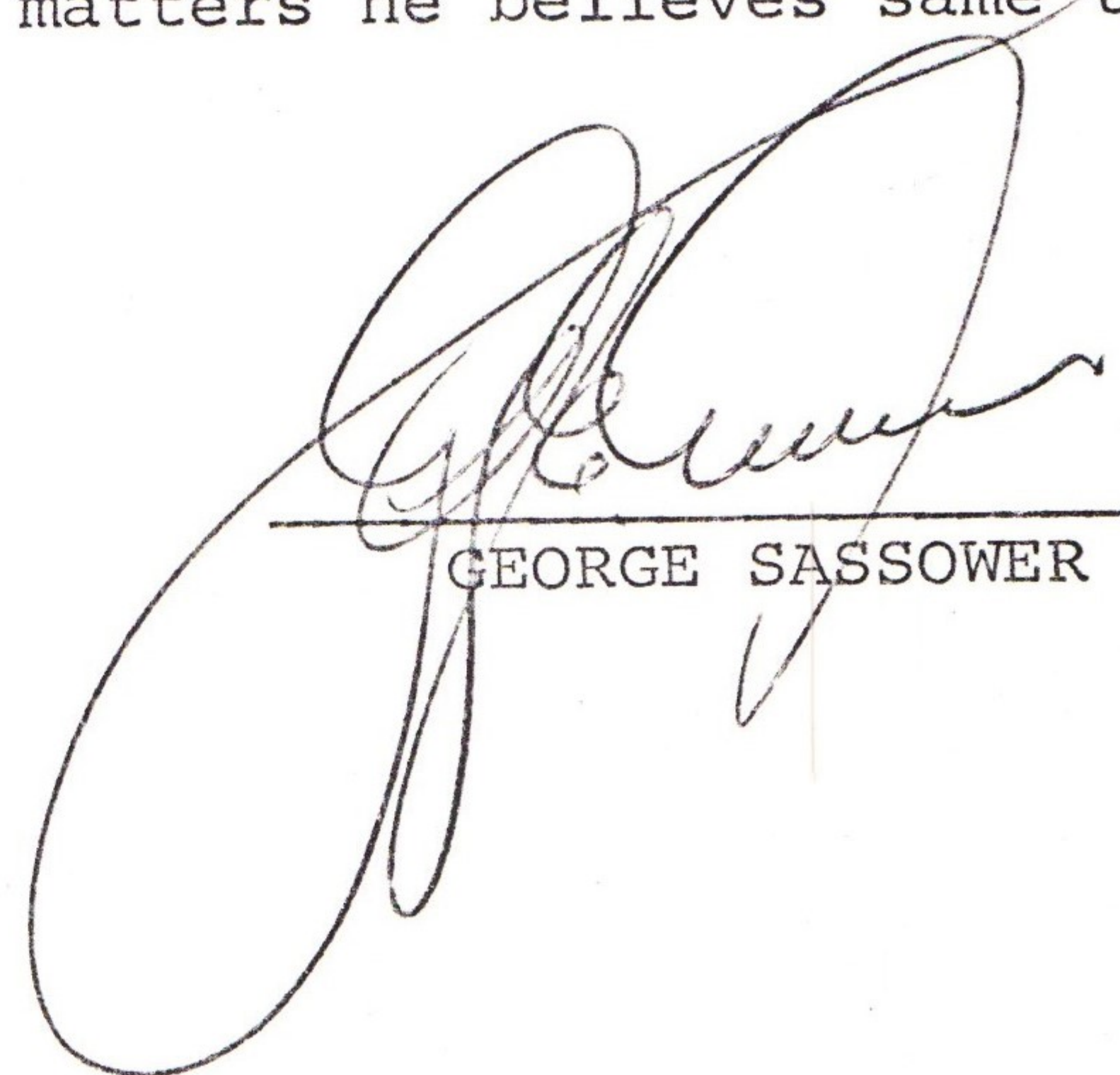
GEORGE SASSOWER, Esq.
Attorney for plaintiff-pro se.
30 Mildred Parkway
New Rochelle, New York, 10804
914-636-4050

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

GEORGE SASSOWER, first being duly sworn,
deposes, and says:


That he is the plaintiff in the within action.

That he has read the foregoing complaint and
same is true except as to those matters stated on information
and belief, and as to those matters he believes same to
be true.



GEORGE SASSOWER

Sworn to before me this
10th day of July, 1977.



BRADLEY GASTON
Notary Public, State of New York
No. 31-4820680
Qualified in New York County
Certificate filed in New York County
Commission Expires March 30, 1979

Index No.

Year 19

UNITED STATES DISTRICT COURT: EASTERN DISTRICT OF NEW YORK

GEORGE SASSOWER,

Plaintiff,

-against-

ERNEST L. SIGNORELLI, et al.,

Defendants.

Verified Complaint.

GEORGE SASSOWER

Attorneys for plaintiff-pro se.

Office and Post Office Address, Telephone
30 Mildred Parkway

NEW ROCHELLE, N. Y. 10804

914-636-4050

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....
Attorney(s) for

Sir:-- Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named Court, at
on

19

at

M.

of which the within is a true copy will be presented for
one of the judges

Dated,

Yours, etc.