

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

DORIS L. SASSOWER and CAREY A. SASSOWER,

Plaintiffs,

Index No.
3607-1979

-against-

ERNEST L. SIGNORELLI, JOHN P. FINNERTY,
WARDEN REGULA, ANTHONY MASTROIANNI, and
THE NEW YORK LAW JOURNAL PUBLISHING COMPANY MAY 29 1979

Defendants.

Plaintiffs, by their attorney, DORIS L. SASSOWER,
Esq., complaining of the defendants, respectfully set forth
and allege:

AS AND FOR A FIRST CAUSE
OF ACTION AGAINST ALL THE
DEFENDANTS, EXCEPT NEW YORK
LAW JOURNAL PUBLISHING
COMPANY

1. On information and belief, on June 10, 1978, the agents and employees of defendant, JOHN P. FINNERTY, acting in concert with the other defendants, entered into Westchester County, knowing that they had no official authority therein and unlawfully detained, arrested, assaulted, and abducted GEORGE SASSOWER to Suffolk County, wherein they had him incarcerated.

2. On information and belief, at the time that the agents and employees of defendant, JOHN P. FINNERTY, entered Westchester County for the purpose of detaining, arresting,

assaulting, and abducting the said GEORGE SASSOWER, they and the other defendants with whom they were acting in concert, had actual knowledge that the said GEORGE SASSOWER had been, on or about March 7-8, 1978, tried, convicted, and sentenced for criminal contempt, in absentia, in clear violation of established legal and constitutional principles.

3. After said incarceration of GEORGE SASSOWER, on June 10, 1978, plaintiffs, (being the wife and daughter of said GEORGE SASSOWER respectively,) arrived at the Suffolk County Jail, and (expressed a desire to visit with him during the regularly established visiting hours, and without just cause or excuse,) were denied their right to visit with him by the servants, agents, and/or employees of defendants, JOHN P. FINNERTY and WARDEN REGULA, who, on information and belief, were acting in concert with each other and in concert with the other defendants herein.

AS AND FOR A SECOND CAUSE
OF ACTION BY DORIS L.
SASSOWER AGAINST ALL THE
DEFENDANTS HEREIN, EXCEPT
NEW YORK LAW JOURNAL PUBLISHING
COMPANY

4. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "3" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

5. Plaintiff is an attorney duly admitted to practice

law in the courts of the State of New York and federal courts therein.

6. On the 10th day of June, 1978, plaintiff, as an attorney, requested the opportunity to consult and confer with her client, GEORGE SASSOWER, pursuant to his request, and was refused such opportunity or any opportunity to communicate with him while she was at the Suffolk County Jail, without just cause or excuse, by the servants, agents, and/or employees of defendants, JOHN P. FINNERTY and WARDEN REGULA, who on information and belief, were acting in concert with each other and with the other defendants herein.

AS AND FOR A THIRD CAUSE
OF ACTION BY PLAINTIFFS
AGAINST ALL THE DEFENDANTS,
EXCEPT NEW YORK LAW JOURNAL
PUBLISHING COMPANY

7. Plaintiffs repeat, reiterate, and reallege each and every allegation of the complaint marked "1" through "6" inclusive of the complaint with the same force and effect as though more fully set forth herein and further allege:

8. On the 10th day of June, 1978, plaintiffs, after being refused an opportunity to consult and confer with said GEORGE SASSOWER as heretofore set forth herein, presented the servants, agents, and/or employees of defendants, JOHN P. FINNERTY and WARDEN REGULA, with a Writ of Habeas Corpus signed by a Justice of the Supreme Court of the State of New

York which required and demanded that said GEORGE SASSOWER be released on his own recognizance.

9. The servants, agents, and/or employees of JOHN P. FINNERTY and WARDEN REGULA, were, on information and belief, acting in concert with each other and in concert with the other defendants, when they refused to honor or obey such Writ of Habeas Corpus or release said GEORGE SASSOWER as required by same, but instead, without just cause or excuse, unlawfully detained and imprisoned plaintiffs, without any charges being lodged against them and for no reason other than they served such Writ of Habeas Corpus and because they were the wife and child of said GEORGE SASSOWER.

10. In imprisoning these plaintiffs as aforementioned, defendants through their servants, agents, and/or employees denied them food and water; denied them bathroom facilities, although duly requested; and denied them the opportunity to communicate with others in order to secure aid.

11. Additionally, at all the times that they were at the Suffolk County Jail they were denied the opportunity to communicate with GEORGE SASSOWER, but instead were given no information or false and misleading information, with knowledge that such information was false and misleading.

AS AND FOR A FOURTH CAUSE
OF ACTION ON BEHALF OF
DORIS L. SASSOWER AGAINST
ALL OF THE DEFENDANTS, EXCEPT
NEW YORK LAW JOURNAL PUBLISHING
COMPANY

12. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" to "11" inclusive as if more fully set forth at length herein and further alleges:

13. On information and belief, and prior to June 22, 1977, GEORGE SASSOWER commenced a proceeding against the defendant, ERNEST L. SIGNORELLI, and protested some of the demands and actions of such defendant which the said GEORGE SASSOWER deemed illegal and improper.

14. On information and belief, on June 22, 1977, the defendant, in concert with others, held a knowingly "mock trial" wherein, in absentia, they tried, convicted, and sentenced the said GEORGE SASSOWER to be incarcerated.

15. On information and belief, as part of such "mock proceedings", the defendant ERNEST L. SIGNORELLI falsified and contrived certain essential jurisdictional facts.

16. On information and belief, as a result of such "mock proceedings", the said GEORGE SASSOWER was detained and arrested in Westchester County and abducted to Suffolk County, wherein he refused to silently submit to the unconstitutional and illegal procedures and demands of said ERNEST L. SIGNORELLI.

17. On information and belief, and as a result of the refusal of GEORGE SASSOWER to submit in silence to the illegal and unconstitutional demands and procedures of said

defendant, ERNEST L. SIGMORELLI, he was incarcerated in the Suffolk County Jail, from whence he was released pursuant to a Writ of Habeas Corpus.

18. On information and belief, such Writ was sustained by Order of Hon. GEORGE F.X. McINERNEY, a Justice of the Supreme Court of the State of New York, as clearly violative of the constitutional rights of said GEORGE SASSOWER.

19. On information and belief, as a result of the actions and activities of defendant ERNEST L. SIGMORELLI, the said GEORGE SASSOWER commenced an action against some of these defendants and others who were acting in concert with them.

20. On information and belief, when said GEORGE SASSOWER would not relent and submit in silence to the improper penalties imposed upon him, the said defendants, ERNEST L. SIGMORELLI, JOHN P. FINNERTY, and ANTHONY MASTROIANNI, their servants, agents, and/or employees commenced to harass this plaintiff, as hostage, in an effort to cause her husband, GEORGE SASSOWER, to relent.

21. The only reason for the aforesaid defendants' actions and activities against this plaintiff was that she was the wife of said GEORGE SASSOWER and their belief that she could control and influence his conduct or to retaliate against him.

22. Such activities included the making of annoying and embarrassing telephone calls and personal inquiries at her home and office, serving her with subpoenas directing her attendance at distant points at dates when no trial was scheduled or on the pretext that she had certain documents, and making spurious complaints against her.

AS AND FOR A FIFTH CAUSE
OF ACTION BY PLAINTIFF
DORIS L. SASSOWER AGAINST
ALL DEFENDANTS

23. Plaintiff repeats, reiterates, and realleges each and every allegation of the complaint marked "1" through "22" as if more fully set forth at length herein and further alleges:

24. On information and belief, and at all of the times hereinafter mentioned, the NEW YORK LAW JOURNAL PUBLISHING COMPANY, was a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

25. The defendant, NEW YORK LAW JOURNAL PUBLISHING COMPANY, publishes a Law Journal in general use by the legal profession and community in the City of New York, Nassau, Suffolk, and Westchester Counties.

26. The New York Law Journal is staffed and edited by persons who are attorneys or familiar with legal principles.

27. The NEW YORK LAW JOURNAL includes as part of its

publication, selected material from various courts which it believes legally appropriate and of legal interest to members of that profession.

28. Judiciary Law §90(10) provides in part:

" Any statute or rule to the contrary notwithstanding, all papers, records, and documents ... upon any complaint, inquiry, investigation or proceeding relating to the conduct or discipline of any attorney or attorneys, shall be sealed and be deemed confidential. However, upon good cause being shown, the justices of the appellate division having jurisdiction are empowered, in their discretion, by written order, to permit to be divulged all or any part of such papers, records, and documents. ... Without regard to the foregoing in the event that charges are sustained by the justices of the appellate division having jurisdiction in any complaint, investigation or proceeding relating to the conduct or discipline of any attorney, the records and documents in relation thereto shall be deemed public records."

29. On information and belief, the defendants, NEW YORK LAW JOURNAL PUBLISHING COMPANY and ERNEST L. SIGNORELLI, were specifically aware of the aforesaid provision of the law.

30. Notwithstanding the aforesaid, without any charges being sustained against plaintiff and without permission of the Appellate Division, the defendants caused to be published on March 3, 1979 (although the appropriate tribunal was already cognizant of the charges) allegations of misconduct

by plaintiff, and the further statement that

"Doris Sassower, his wife and his former counsel, should be similarly called upon to explain her extraordinary behavior in this matter.

I am therefore directing the Chief Clerk to forward a copy of this ... to the Presiding Justice of the Appellate Division, Second Judicial Department, for such disciplinary action as he may deem appropriate with regard to the conduct of ... Doris Sassower."

31. The aforesaid publication caused plaintiff general and special damages, and inspired a belief on the part of some members in the legal community that she, by reason of such publication, had been censured, suspended and/or disbarred, or could soon be.

AS AND FOR A SIXTH CAUSE
OF ACTION BY PLAINTIFF
DORIS L. SASSOWER AGAINST
ALL DEFENDANTS

32. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "31" of the complaint, with the same force and effect as though more fully set forth at length herein, and further alleges:

33. In and about January 1978 and thereafter, the defendant, ERNEST L. SIGNORELLI, had no jurisdiction whatsoever over this plaintiff. Furthermore, by reason of his, sua sponte, recusal on February 25, 1978, any and all actions by said ERNEST L. SIGNORELLI purportedly of a judicial nature,

were in clear absence of all jurisdiction.

34. On information and belief, subsequent to January 25, 1978, the defendant ERNEST L. SIGNORELLI without any notice to plaintiff and without jurisdiction over her as aforementioned, caused to be published in the New York Law Journal, in addition to the aforementioned statement contained in paragraph "30" of this complaint and in conjunction therewith the following:

"...scheduled for conference for September 21, 1976. The matter was adjourned on five separate occasions to March 2, 1977. ... Doris Sassower, the wife of the petitioner herein, had at the inception of this estate filed a notice of appearance, appearing as attorney for the executor. She was expressly directed by the court to be present for the scheduled court conferences, but has defaulted in appearance for any of the said dates. ...a telephone communication was received by the court from (Doris Sassower and she) ... refused to identify the case or the particular department of the Appellate Division (that George Sassower was engaged)."

35. The aforementioned paragraphs in this cause of action taken in conjunction with paragraph "30" of this complaint attributed to plaintiff unethical, censurable, and/or disbarable conduct.

36. The mere publication of such complaint by ERNEST L. SIGNORELLI in the New York Law Journal conveyed to the

legal profession that this plaintiff must, in fact, have been censured, suspended and/or disbarred as a result of her alleged misconduct in view of the statute and practice of non-disclosure prior to censure, suspension, and/or disbarment, and it was the intent of the defendants that they profession so believe.

37. Additionally, the asserted material caused this plaintiff loss of respect suggesting moral turpitude, exposed her to opprobrium, contempt, and aversion, both privately and in her profession, in which she was then actually engaged.

38. At the time plaintiff was a private person, not holding public office or involved in a public controversy, nor did she desire that such matters be public or commit any voluntary act to that end.

39. The subject allegations were knowingly false, distorted, misleading, maliciously published in a grossly irresponsible manner and in wanton disregard of the truth thereof, and without opportunity afforded plaintiff to set forth the true facts to the Court prior to said publication. Plaintiff did not "default" in appearing on the aforesaid occasion, nor did she "refuse" to identify her husband's engagement, nor was her conduct "extraordinary".

40. The New York Law Journal knew or should have known that the aforesaid publication was not a "decision" or "order", that it was purposely misdesignated in an attempt to immunize defamatory material, that it was factually

false, improper and that said ERNEST L. SIGNORELLI had no jurisdiction over plaintiff at the time of publication.

WHEREFORE, it is respectfully prayed that Judgment be entered in favor of plaintiffs against the named defendants in the First (non-federal) Cause of Action for compensatory and punitive damages in the sum of \$1,000,000; in favor of plaintiff against the named defendants in the Second (non-federal) Cause of Action for compensatory and punitive damages in the sum of \$2,000,000; in favor of plaintiffs against the named defendants in the Third (non-federal) Cause of Action for compensatory and punitive damages in the sum of \$5,000,000; in favor of plaintiff against the named defendants in the Fourth (non-federal) Cause of Action for compensatory and punitive damages in the sum of \$1,000,000; in favor of plaintiff against the named defendants in the Fifth Cause of Action for compensatory and punitive damages in the sum of \$5,000,000; and in favor of plaintiff against the named defendants in the Sixth Cause of Action for compensatory and punitive damages in the sum of \$5,000,000; together with such other, further, and/or different relief as to this Court seems just and proper in the premises.

DORIS L. SASSOWER
Attorney for Plaintiffs
75 Wykagyl Station
New Rochelle, N.Y. 10804
(914) 636-6080

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

DORIS L. SASSOWER, first being duly sworn, deposes
and says:

That she is one of the plaintiffs in the within
action; and she has read the foregoing Complaint and knows
the contents thereof; that the same is true to her own
knowledge, except as to the matters therein stated upon
information and belief, and that as to those matters she
believes them to be true.

Doris L. Sassower

Sworn to before me this
23rd day of April, 1979

Muriel Goldberg

MURIEL GOLDBERG
Notary Public, State of New York
No. 60-4518474 Westchester County
Commission Expires March 30, 1982