

SA282

Court of Claims Claim  
(SA282-SA288)

COURT OF CLAIMS : STATE OF NEW YORK  
-----x

In the Matter of the Claim of

GEORGE SASSOWER,

-against-

THE STATE OF NEW YORK, ROBERT ABRAMS,  
and STEPHEN M. JACOBY,  
-----x

Claimant hereby makes claim based upon the  
allegations herein set forth:

1. Claimant is an attorney, who is duly  
authorized to, and does, practice his profession in the  
State of New York.

2. Robert Abrams, Esq. is the Attorney General of  
the State of New York.

3. Stephen M. Jacoby, Esq. is an Assistant  
Attorney General of the State of New York.

4. Robert Abrams, Esq. undertook the defense of  
Ernest L. Signorelli, a defendant, in an action  
commenced by Doris L. Sassower, Esq. and Carey A.  
Sassower, in Supreme Court, Westchester County.

5. Robert Abrams, Esq. or his duly authorized  
assistant, assigned Stephen M. Jacoby, Esq., to handle  
such defense on behalf of Ernest L. Signorelli.

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CLAIMS DIVISION  
SEP 3 1982  
NEW YORK DISTRICT

6. All acts and actions hereinafter set forth by Stephen M. Jacoby, Esq., were performed with the express or implied consent of Robert Abrams, Esq., and the State of New York.

7. In the case of Doris L. Sassower and Carey A. Sassower, and, in particular on September 2, 1982, the conduct of George Sassower, Esq., be it of a saint or a sinner, moral or amoral, was irrelevant and immaterial to the issues presented to the Court.

8. On or prior to September 2, 1982, Stephen M. Jacoby, Esq., made no attempt to show that the misconduct, vel non, of George Sassower, Esq., was relevant to the issues before the Court on that day in the action of Doris L. Sassower and Carey A. Sassower.

9. On and prior to September 2, 1982, the said Stephen M. Jacoby, Esq., had actual knowledge of the decision of Wels v. Rubin (280 N.Y. 233), and, on information and belief, the precise holding therein.

10. On and prior to September 2, 1982, the said Stephen M. Jacoby, Esq., had no reason to believe that the aforesaid holding in Wels v Rubin (supra) did not represent existing and controlling law.

11. On information and belief, on and prior to the 2nd day of September, 1982, the said Stephen M. Jacoby, Esq., knew of and was familiar with Dachowitz v. Kranis (61 A.D.2d 783, 401 N.Y.S.2d 844 [2d Dept.]), and had no reason to believe that such holding did not express existing and controlling law governing the County of Westchester, in the State of New York.

12. Sometime in August of 1982, Stephen M. Jacoby, Esq., caused to be published on behalf of Robert Abrams, Esq. and Ernest L. Signorelli an unsworn "Memorandum" (incorporated herein by reference) forming part of his submission on September 2, 1982 to Supreme Court, Westchester County.

13. This unsworn "Memorandum" contained factually false and defamatory statements concerning claimant, including, but not exclusively, that claimant "frustrated the prompt and orderly accounting of an estate for years" (p.2); "it was difficult to serve [claimant]" (p.4); "[claimant] defaulted on the return date of the citation" (p.4); "[claimant] obtained adjournments" (p.4); "in March, 1976, [claimant] was



removed" (p.4); "conferences were adjourned five times [presumably on claimant's request]" (p.5); and various other activities of claimant "as described in the 2-24-78 decision" of Ernest L. Signorelli (p.5).

14. On September 2, 1982, Stephen M. Jacoby, Esq., had serious reason to doubt whether the February 24, 1978 writing was, in fact, a legally recognizable "decision" (Matter of Haas, 33 A.D.2d 1, 304 N.Y.S.2d 930 [4th Dept.], app. dis. 26 N.Y.S.2d 646, 307 N.Y.S.2d 671); had good reason to doubt the truthfulness of the contents of the writing of February 24, 1978; knew the February 24th, 1978 published statement had been refuted in substantial part by the sworn testimony of Ernest L. Signorelli himself or the documents in Surrogate's Court; that Ernest L. Signorelli had failed and refused to swear to the truthfulness of the February 24, 1978 statement; had or had available to him claimant's 229 page affidavit sworn to on June 16th, 1982, submitted to the Appellate Division of the Supreme Court, First Judicial Department; had available the sworn testimony of Ernest L. Signorelli in the proceeding against claimant; knew that the verified answer in the pending

matter, submitted on behalf of Ernest L. Signorelli, did not allege "truth" as a defense in whole or in part; knew that the verified answer submitted on behalf of Ernest L. Signorelli, in the pending matter, did not allege "good faith" as a defense in whole or in part; and, on information and belief, had actual knowledge that, in fact, the statements made by Ernest L. Signorelli relating to claimant were in fact false, contrived, and misleading.

15. Stephen M. Jacoby, Esq., had actual knowledge at the time he published said "Memorandum" and on September 2, 1982, that it was improper to include in an unsworn "Memorandum" assertions of fact, not supported by competent admissible evidence in the record of that case.

16. Stephen M. Jacoby, Esq., had actual knowledge at the time he published said "Memorandum" and on September 2, 1982, that the aforesaid defamatory assertions of "fact" regarding claimant, set forth in such "Memorandum", were not supported anywhere by competent admissible evidence.

17. On information and belief, Stephen M. Jacoby, Esq. requested Ernest L. Signorelli or someone on his behalf, to submit an affidavit in support of the "facts" asserted in the Memorandum and the facts asserted in the statement of February 24, 1978, and he/they refused to do so. Alternatively, Stephen M. Jacoby, Esq., as an officer of the court and in discharge of his legal and moral responsibilities, should have made such request.

18. Stephen M. Jacoby, Esq. knew when he published said Memorandum deliberating incorporating defamatory factual material, and in particular, on September 2, 1982, that such "Memorandum" became a public document, part of a judicial proceeding, which could thereafter be republished with impunity.

19. Stephen M. Jacoby, Esq., set forth such incompetent, misleading, and prejudicial statements against claimant, with the intent to mislead the Court as to the issues involved in the pending action by Doris L. Sassower, Esq. and Carey A. Sassower, all in violation of law [e.g. Judiciary Law §487].



20. As a result thereof, claimant has been, and will be, caused pecuniary damage in his profession, has been, and will be caused great emotional harm and mental anguish for the legally unjustified conduct of Stephen M. Jacoby, Esq., and his conduct reprehensible in a civilized professional society.

WHEREFORE, as a result of the aforementioned claimant makes claim in the sum of \$5,000,000, compensatory and punitive damages, together with costs and disbursements of this proceeding.

Yours, etc.,

GEORGE SASSOWER, Esq.  
Attorney for claimant  
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White Plains, N.Y. 10606  
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