

GEORGE SASSOWER, ESQ. - PLAINTIFF - REPLY
[A58-A62]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
GEORGE SASSOWER,

Index No.
78-17671

Plaintiff,

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,
VINCENT G. BERGER, JR., ALAN CROCE,
ANTHONY GRYMALSKI, CHARLES BROWN, HARRY E.
SEIDELL, NEW YORK NEWS, INC., AND VIRGINIA
MATHIAS,

Defendants.

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

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

I make this affidavit in reply to the opposing
affirmation of ERICK F. LARSEN, Esq. (Suffolk County
Attorney) dated August 27th, 1982 and ZOE MANDES, Esq.
(New York News) verified August 31st, 1982.

1. The papers by Zoe Mandes, Esq. were served
after 6:00 P.M. on August 31st, 1982 and in order to
reasonably assure that the reply will timely reach this
Court I must mail same the following morning.

I do not understand the consistent failure of the prestigious firm of Patterson, Belknap, Webb & Tyler, Esqs. to timely serve their papers or extend the simplest professional courtesy in this respect.

Under the circumstances my response must be brief and direct.

a. The defendant, New York News, Inc., has now served an Amended Answer verified in acceptable form on August 30th, 1982.

b. Nevertheless, the affirmative defenses are specious, false, and do not conform to pleading requirements.

Obviously this defendant cannot properly plead its alleged defenses because they are without foundation.

In her affidavit, Zoe Mandes, Esq., says (¶11):

"... as a basis for the articles in issue and of its affirmative defenses, the News' relies upon judicial proceedings held in Surrogate's Court, Suffolk County during the week of June 2, 1977 and on August 16, 1977 and upon judicial papers filed with the Surrogate's Court, Suffolk County under the case entitled ... estate of Eugene Paul Kelly ...".

Since I believe I have personal knowledge of all the papers on supposedly on file and have read the relevant transcripts, I know as a fact that practically every assertion made in the two defamatory articles printed by The News cannot be supported by the aforesaid assertion by the attorney for The News.

This would become readily apparent if the News were compelled to properly plead.

As an example, one of the libelous articles states (Exhibit "D"):

" However, the judge (Signorelli) explained that he allowed Sassower (plaintiff) to purge himself of the contempt charges by giving Mastroianni (the Public Administrator) a complete accounting of the estate. Mastroianni never received the accounting and finally Judge Signorelli ordered Sassower jailed."

I never saw any transcript or judicial document which confirms this untrue statement.

When The News pleads "truth" I still do not know whether it contends that the aforesaid statement is true, or it is true that Judge Signorelli and Mastroianni made the aforementioned statements.

Attempts to clarify this and every other matter by two sets of interrogatories have been responded to with evasion, double-talk, and untenable pleas of privilege.

The News knows that it cannot rely on the alleged defense that it received the information from reliable sources and then refuse to reveal those sources, particularly when the sources are mentioned in the published libelous statements themselves.

I need not belabor that there is an obvious element of bad faith and dilatory tactics by this defendant. Its pleadings should be stricken as a clear warning that civilized litigation does not need a motion for every miniscule item of relief sought.

2a. There being no claim of privilege, the failure of the Suffolk County Attorney to move with respect to plaintiff's interrogatories requires him to answer same.

b. The relationship between myself and the Assistant Suffolk County Attorney is professional, amicable, and decent.

It is my distinct impression that we had agreed that since the pre-trial information that I desired had to come from a number of sources in the Suffolk County Sheriff's Office, it would be easier for both if I received most of such information initially by a series of interrogatories. The Assistant Suffolk County Attorney, needing only to depose me, desires an oral deposition, a procedure that I agreed to upon mere informal notification as to a convenient time and place.

Oral depositions of numerous Deputy Sheriffs would not serve anyone's time or interest. In any event the failure to move for a protective order terminates the controversy.

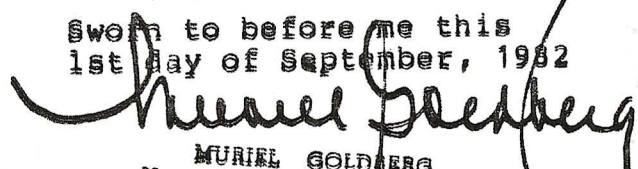
c. Contrary to the assertions made by the Assistant Suffolk County Attorney, my interrogatories are essential for the proper prosecution of my action.

WHEREFORE, it is respectfully prayed that plaintiff's motion be granted in all respects, with costs.



GEORGE SASSOWER

Sworn to before me this
1st day of September, 1982


MURIEL GOLDBERG
Notary Public, State of New York
No. 60-4515474 Westchester County
Commission Expires March 30, 1983