

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER, individually, and on behalf  
of all others similarly situated or affected,

Plaintiff,

- against -

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,  
VINCENT G. BERGER, JR., JOHN P. FINNERTY,  
ALLAN CROCE, ANTHONY GRZYMALSKI, CHARLES  
BROWN, LEONARD J. PUGATCH, and THE COUNTY  
OF SUFFOLK,

Defendants.

File No.  
78 Civ. 124  
(J.M.)

Amended Complaint.

Class Action.

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Plaintiff, individually, and on behalf of other  
similarly situated or affected complaining of the defendants  
respectfully sets forth and alleges:

1a. The jurisdiction of this Court is invoked  
pursuant to the provisions of Title 28, United States Code,  
§§ 1331 and 1343, this being a suit in law and equity authorized  
by law, Title 42, United States Code § 1983, 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 providing for equal rights and due process of  
citizens; Amendment XIV of the Constitution of the United  
States, and pendent jurisdiction. The rights here sought to  
be redressed are rights guaranteed by the due process,  
privileges and immunities and equal protection clauses of  
the Fourteenth Amendment to the Constitution of the United  
States and Article 42 of the United States Code § 1983, and

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the matter in controversy exceeds the sum of \$10,000 as hereinafter more fully appears.

b. Plaintiff brings this action on his own behalf and on behalf of classes consisting of all non-judicially appointed litigants, estates, and beneficiaries wherein judicial appointees are involved (first cause of action), the general citizenry of the State of New York (third cause of action), and those who have or desire to deposit cash bail with the County of Suffolk (fourth cause of action). Said classes are so numerous that joinder of all members are impractical. There are common questions of law and fact to the classes involved which predominates over any questions affecting only individual members. The claims of plaintiff are typical of the claims of the classes. Plaintiff will fairly and adequately represent the interests of the classes. In addition the prosecution of separate actions would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class; adjudication by plaintiff would as a practical matter be dispositive of the interests of the other members not parties to the adjudications; and the defendants have refused to act on grounds generally applicable to the classes thereby making appropriate declaratory relief with respect to the classes as a whole.

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

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2. All of the times hereinafter mentioned, plaintiff was and still is a resident and citizen 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 primarily found in the Surrogate's Court Procedure Act (hereinafter called "SCPA").

4. Suffolk County was and still is an independent 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 employees of the Surrogate's Court: Suffolk County, including assistants, clerks, attendents, 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 and others needed to perform duties related to his office.

7. The Surrogate appoints and removes guardians and other fiduciaries.

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

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 thereof, is in making appointments and passing on applications for fees and disbursements for his appointees and others.

14. The notorious importance of the position of the 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 in point of fact 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 numbers persons and attorneys who

have been appointed directly or indirectly by him 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. That by force of state law, persons who reside in Suffolk County or have real property in that county are compelled to have their estates administered in Surrogate's Court: Suffolk County and no place else.

20. On information and belief, the appointees of defendant, ERNEST L. SIGNORELLI, to insure future appointments, favorable allowances, and for other reasons inconsistent with their office and obligations towards their clients and others, subvert such obligations in favor of the defendant, ERNEST L. SIGNORELLI.

21. Plaintiff is presently a non-judicially designated litigant in Surrogate's Court: Suffolk County involving the Public Administrator, an appointee of defendant, ERNEST L. SIGNORELLI, the attorney for the Public Administrator, appointed by the Public Administrator, and indirectly by the Surrogate, and a guardian appointed by the defendant, ERNEST L. SIGNORELLI.

22. Plaintiff is presently and personally subject to various pending criminal and civil proceedings in that Court.

23. 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 conflicting obligations as to his friends and political affiliates from those to his judicial functions and duties; does not hold a detached and neutral position in his adjudications; is partial; profits indirectly from his appointments, adjudications, fee and expense allowances; presents an intolerable high and unconstitutional invitation for the defendant, ERNEST L. SIGNORELLI, to prefer his personal, social, and political obligations to that judicially owed for a fair trial and adjudication, in fact and in appearance, contrary to the Constitution and Laws of the United States.

24. That because plaintiff was not a judicially designated litigant, has by voice and actions protested the illegal procedures of these defendants, has sought redress in other courts of the State of New York and United States of America, and otherwise lawfully exercised his rights and privileges, the defendant, ERNEST L. SIGNORELLI, has made adverse adjudications against the plaintiff and used the legal procedures to harass and intimidate him and continues to do so.

25. That furthermore the defendants to further harass and denigrate plaintiff, have instituted several criminal proceedings against plaintiff, all of which have thus far been successfully defended by plaintiff at great personal cost of time and expense. Nevertheless these defendants are continually reinstituting same despite their lack of success.

26. At the time of the filing of the complaint herein, the defendant, ERNEST L. SIGMORELLI, had set January 25, 1978 as the date for the commencement of a civil trial involving plaintiff. Furthermore, on that date, criminal contempt proceedings were again instituted against plaintiff and because of the matters set forth herein, plaintiff received and will receive adverse ruling and adjudications in both the civil and criminal matters.

27. That such civil and criminal proceedings are still viable and active.

28. That by reason of the job and economic power that defendant, ERNEST L. SIGMORELLI, has over the employees of Surrogate's Court: Suffolk County, and his judicial appointees, directly or indirectly, that Court is not fairly, impartially, or constitutionally administered to plaintiff's prejudice and those not judicially appointed.

29. That by reason of the aforementioned these defendants under color of statute, regulation, custom, and usage have and are depriving plaintiff and others similarly situated, or interested of their rights, privileges, and immunities secured by the Constitution and Laws of the United States.

30. That for the reasons heretofore and hereinafter mentioned there exists many cases and controversies between the named parties herein and also between those on whose behalf plaintiff is bringing this action and the defendants.

AS AND FOR A SECOND CAUSE OF ACTION  
AGAINST THE DEFENDANTS ERNEST L.  
SIGNORELLI, ANTHONY MASTROIANNI,  
VINCENT G. BERGER, JR., JOHN P.  
P. FINNERTY, AND THE COUNTY OF  
SUFFOLK.

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. Defendant, JOHN P. FINNERTY, was and still is the Sheriff of Suffolk County.

33. That on June 22, 1977, the defendant ERNEST L. SIGNORELLI caused to be issued and entered an Order of Criminal Contempt directing that plaintiff be incarcerated in the Suffolk County Jail for a period of thirty (30) days.

34. In addition to other infirmities, the aforesaid Order of Contempt and the sentence thereon were made after a "mock trial" in the absence of plaintiff, without due and/or proper notice, for acts which did not all occur in the Courtroom or in the presence of the defendant, ERNEST L. SIGNORELLI, without allocution, and as a result thereof such adjudication has been declared null and void.

35. That such adjudication and sentence in criminal contempt was entered against plaintiff by defendant, ERNEST L. SIGNORELLI, although he knew or should have reasonably known that his actions violated plaintiff's constitutional rights, and would and did result in plaintiff's incarceration until released through a Writ of Habeas Corpus and an adjudication



that such conviction and sentence for criminal contempt was null and void.

36. Except for the arbitrary and unexplained omission relating to Surrogate's Court (and several other civil courts), the State of New York has provided in every other court for a procedure whereby a defendant may apply for bail pending an appeal (Criminal Procedure Law §460.50).

37. That by reason of the aforementioned arbitrary omission for a bail procedure pending an appeal from Surrogate's Court, persons similarly situated in other courts have bail rights which are unavailable to plaintiff.

38. That before the Order adjudicating the aforesaid Contempt Order null and void was entered, and while the Contempt Order was still in full force and effect, the defendants, ERNEST L. SIGNORELLI, VINCENT G. BERGER, ANTHONY MASTROIANNI, and LEONARD J. PUGATCH, directly or indirectly, caused another Contempt Proceeding to be instituted against plaintiff knowing or they should have reasonably known that same constituted double jeopardy, was in violation of plaintiff's federal constitutional rights, and maliciously intending to deprive plaintiff of such rights and cause him other injury thereby.

39. That after the Order adjudicating the Contempt Order of the defendant, ERNEST L. SIGNORELLI, dated June 22, 1977, was null and void was entered, the said defendant, ERNEST L. SIGNORELLI caused a Notice of Appeal to be filed.

40. That as a result of such Notice of Appeal the Contempt Order against plaintiff is still in full force and effect because of the stay provided in CPLR § 5519(a)(1).

41. Despite the fact that such Contempt Order is in full force and effect and any new proceeding based on the same facts would be double jeopardy, the defendants have attempted to institute new proceedings, knowing or they should have known that such proceedings violated plaintiff's federal constitutional rights and cause him injury thereby.

42. That because bail procedures are unavailable to plaintiff in Surrogate's Court, as heretofore stated, and because of the limited term that defendant, ERNEST L. SIGNORELLI sentence plaintiff (thirty days), it is the ulterior intention of the defendant, ERNEST L. SIGNORELLI to incarcerate plaintiff for the maximum term, which term will have expired before appellate review can be had.

43. Because of this fact, any incarceration of plaintiff will escape review or even if same is reviewed, plaintiff will have served his entire term in prison prior to appellate adjudication and any reversal will be meaningless or an inadequate remedy.

44. That defendants, ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI, and VICENT G. BERGER, JR., are proceeding in bad faith, maliciously intending to deprive plaintiff of his federal constitutional rights and cause him injury thereby.

AS AND FOR A THIRD CAUSE OF ACTION  
AGAINST THE DEFENDANTS COUNTY OF  
SUFFOLK AND CHARLES BROWN.

45. 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:

46. That on information and belief the defendant, CHARLES BROWN is a former employee of the County of Suffolk.

47. That the defendant, COUNTY OF SUFFOLK, has and exercises various police powers.

48. That on information and belief the defendant, County of Suffolk permits certain former employees to carry and exhibit certain badges, shields, and other documents which superficially resemble those carried by police officers having police powers in every part of the County of Suffolk and in every part of the State of New York.

49. That on information and belief, the defendant, CHARLES BROWN, is a civilian without police authority or power, but carries such badge, shield, and documentation as if he is such police officer.

50. That the said defendant, CHARLES BROWN, is on information and belief an employee or agent of defendants, ANTHONY MASTROIANNI and VINCENT G. BERGER, JR., and indirectly of ERNEST L. SIGNORELLI, and with their knowledge and consent the said CHARLES BROWN has been used (with his spurious badge or shield) to harass and embarrass plaintiff, as more fully set forth hereinafter.

51. By permitting defendant CHARLES BROWN and others to use similar spurious badges, shields and documentation, these defendants are depriving the general citizenry of the County of Suffolk and the State of New York or their rights under the Constitution and laws of the United States.

AS AND FOR A FOURTH CAUSE  
OF ACTION AGAINST THE  
DEFENDANT, COUNTY OF SUFFOLK.

52. 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:

53. That with respect to the Writ of Habeas Corpus secured on behalf of plaintiff, the plaintiff had to deposit a cash bail of \$300 which as yet has not been returned.

54. That with respect to the return of said \$300 the defendant has an onerous procedure, deducts a service charge, and does not pay any interest on said deposit.

55. That on information and belief such bail funds are deposited by the County of Suffolk and it does or should receive interest on same.

56. That the refusal or failure to pay interest on said monies to plaintiff and others similarly situated constitutes a deprivation of property without due process of law and violates the Constitution of the United States.

57. That furthermore, the onerous procedure employed is such that many persons forfeit their bail money

rather than go through the time and expense to justly recover same.

58. That in effect, monies that are posted for bail, are non-returnable payments, partially or completely.

AS AND FOR A FIFTH CAUSE OF  
ACTION AGAINST THE DEFENDANTS,  
ERNEST L. SIGNORELLI, JOHN P.  
FINNERTY, AND THE COUNTY OF  
SUFFOLK

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59. 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:

60. That by law, custom or usage in the State of New York and County of Suffolk, the Sheriff serves judicial processes on behalf of litigants and their attorneys.

61. That for litigation purposes, alternate means of service are not feasible if assurance is desired that service will not be disputed or inability to serve is to be effectively asserted.

62. That on information and belief, through the influence of the defendant, ERNEST L. SIGNORELLI, the Office of the Sheriff of Suffolk County refuses to serve or properly serve subpoenas on behalf of the plaintiff, as more fully set forth hereinafter, thereby obstructing plaintiff's access to the courts where service must be made in Suffolk County.

63. Furthermore, because of the bias shown by the defendant, ERNEST L. SIGNORELLI, and his conduct, as more fully set forth hereinafter, the plaintiff cannot receive a constitutionally proper trial in any Court presided over, controlled or influenced by the defendant, ERNEST L. SIGNORELLI or in Surrogate's Court: Suffolk County.

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

64. 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:

65. That heretofore the plaintiff herein has proceeded against these defendants in the courts of the State of New York and United States, and continues to do so.

66. That in retaliation for proceeding in the aforesaid courts and in order to obstruct and hinder such further proceedings these defendants have been using the funds and credits of the Estate of EUGENE PAUL KELLY and Surrogate's Court: Suffolk County for their private purposes in order to annoy, harass, embarrass, and investigate plaintiff, his family and associates.

67. That further in retaliation for proceeding in the aforesaid courts and in order to obstruct and hinder further proceedings these defendants have been misusing the authority of the Surrogate's Court; Suffolk County for their personal purposes.

68. That by so acting these defendants know or reasonably should know that their actions violate federal constitutional rights and maliciously intend to deprive plaintiff of such rights and cause him injury thereby.

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

69. 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:

70. Under color of state law, custom, use, and authority these defendants on or about June 15, 1977 induced and compelled plaintiff to give certain papers and documents to defendants, ANTHONY MASTROIANNI and VINCENT G. BERGER, JR., relying on the representations of these defendants that copies would be forthwith be delivered to plaintiff and these defendants knew that plaintiff relied on such representations.

71. That these defendants knew that plaintiff needed such papers and documents in order to protect and preserve his legal rights in the courts of the State of New York and the United States.

72. Under color of state law and authority these defendants have failed to give copies of those papers and documents as represented with the intent of prejudicing plaintiff in the aforementioned courts.

AS AND FOR A EIGHTH CAUSE OF ACTION  
AGAINST ALL THE DEFENDANTS HEREIN

73. 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:

74. Prior to and until March 17, 1977, plaintiff was recognized as to sole executor in the estate of EUGENE PAUL KELLY having been so designated in the Last Will and Testament of the deceased.

75. Prior to and until March 17, 1977, plaintiff as such executor, had the express authorization of all attorneys representing all the parties in the aforementioned estate to enter into a contract of sale with respect to a certain property owned by the estate and assume liabilities as a result thereof.

76. Prior to and until March 17, 1977, plaintiff was recognized as such executor by the defendant, ERNEST L. SIGNORELLI, the officials and employees of Surrogate's Court, Suffolk County and they knew, authorized and consented to such contract of sale by plaintiff on behalf of the aforementioned estate.

77. Prior to and until March 17, 1977, there were payments made under a mortgage obligation of the deceased, taxes and other charges that had to be paid which were paid by plaintiff with the knowledge and consent of defendant, ERNEST L. SIGNORELLI, the attorneys and parties involved in the aforementioned estate.



78. Prior to and until March 17, 1977, plaintiff had been authorized and directed by the defendant, ERNEST L. SIGNORELLI, and some of the attorneys representing parties interested in the aforementioned estate to perform various other acts as executor of such estate.

79. That as late as March 14th, 1977, Certified Copies of Letters Testamentary were issued to plaintiff as executor in the aforementioned estate by the Surrogate's Court: Suffolk County.

80. That in March of 1977, notwithstanding all of the aforementioned in this cause of action, the defendant, ERNEST L. SIGNORELLI, asserted that plaintiff had been removed as executor in March of 1976 (approximately one year earlier).

81. The defendant, ERNEST L. SIGNORELLI knew that he had no jurisdiction to remove plaintiff as executor in March of 1976 and this orchestrated proceeding in March of 1977 was based in part on false and tampered documents in Surrogate's Court.

82. That because plaintiff would not silently comply and cooperate in this illegal and irregular procedure, the defendants, SIGNORELLI, BERGER, and MASTROIANNI (and thereafter others), acting jointly and in concern, conspired to hold a "mock trial" in plaintiff's absence, try plaintiff for criminal contempt, illegally arrest him and do such other necessary acts as might be warranted to cause plaintiff to silently submit to their wishes knowing that jurisdiction did not exist over plaintiff for such purposes.

83. On June 22, 1977, the defendants, SIGNORELLI, BERGER, and MASTROIANNI, without proper notice to plaintiff held this "mock trial" in his absence, took testimony, and the defendant, SIGNORELLI, found plaintiff guilty of criminal contempt in accordance with the aforementioned preconceived plan.

84. Immediately thereafter and on June 22, 1977, still in the absence of plaintiff, these defendants, in accord with their preconceived plan, dispensed with plaintiff's right of allocution and sentenced him to be incarcerated for 30 days in the Suffolk County Jail.

85. Thereupon on June 22, 1977, the defendants, SIGNORELLI, BERGER, and MASTROIANNI, drew up a Contempt Order asserting false and contrived facts on the face thereof in order to purport jurisdiction.

86. On information and belief the defendants, SIGNORELLI, BERGER, and MASTROIANNI together with the defendants, FINNERTY, CROCE, and GRZYMALSKI, agreed that defendants, CROCE and GRZYMALSKI would journey to plaintiff's residence in the early hours of June 23, 1977, and without prior notice to him would cause his arrest, bring him to the defendant, SIGNORELLI and not to the Suffolk County Jail as provided in the Contempt Order.

87. That all these defendants in the planning and execution of the aforesaid knew or should have known that same violated plaintiff's federal constitutional rights, and they maliciously intended to deprive plaintiff of such rights and cause him injury thereby.

88. That on information and belief, it was further agreed, expressly or impliedly, by defendants, SIGNORELLI, BERGER, MASTOIANNI, FINNERTY, CROCE, and GRZYMALSKI, that they would not permit plaintiff access to any other court or judge, directly or indirectly, knowing that such course of conduct was illegal and unconstitutional.

89. That in the morning of June 23, 1977, the defendants, CROCE & GRZYMALSKI, despite repeated requests by plaintiff, they refused to communicate with their superiors while at the place of the arrest for instructions as to whether they should permit plaintiff access to any judges or courts other than the defendant, SIGNORELLI, or the Surrogate's Court: Suffolk County.

90. That in the morning of June 23, 1977, the defendants, CROCE & GRZYMALSKI, despite requests by plaintiff refused to go to any impartial court or judge, State or Federal, for instructions under the circumstances.

91. That in the morning of June 23, 1977, the defendants, CROCE & GRZYMALSKI, while at plaintiff's home and while he was under arrest refused to permit plaintiff to communicate with an attorney with respect to same, neglected to advise plaintiff of his constitutional rights, or afford him the right to exercise same.

92. That during plaintiff's forced journey from Westchester County to Suffolk County, the defendants, CROCE and GRZYMALSKI, repeatedly refused plaintiff's requests for access to various courts or judges for the purpose of securing a Writ of Habeas Corpus and further refused plaintiff's

demands that they seek advice from their superiors as to the legality of their conduct until these defendants were in or near Suffolk County.

93. When plaintiff and defendants, CROCE and GRZYMALSKI, were in or near Suffolk County, these defendants did request instructions with respect to plaintiff's requests that he be permitted access to a court or judge to present his Writ of Habeas Corpus and they were advised that on instructions from the defendant, SIGNORELLI, that they should not permit plaintiff such access, and the defendants, CROCE and GRZYMALSKI knew or should have known that such advice was illegal.

94. Thereupon plaintiff demanded that he be taken to the Suffolk County Jail in accordance with the Order of Contempt but the defendants, CROCE and GRZYMALSKI, wilfully disobeyed such Order of Contempt and instead took plaintiff to the building housing the Surrogate's Court: Suffolk County, the office of defendant, ANTHONY MASTROIANNI, and various other governmental departments.

95. That for approximately two (2) hours while plaintiff was kept under arrest in the aforementioned building, and not in any courtroom, the defendants, CROCE and GRZYMALSKI, refused plaintiff's repeated requests that he be permitted to present his Writ of Habeas Corpus and make telephone calls to an attorney, but all such requests were refused.

96. That during such period of approximately two (2) hours, three (3) times the defendant, CROCE, did honor

plaintiff's requests that he go and speak to the defendant, ERNEST L. SIGNORELLI, with respect to the presentment of a Writ of Habeas Corpus and communicating with an attorney, and each time plaintiff was informed that such requests were denied by the defendant, ERNEST L. SIGNORELLI.

97. That immediately after the last request made of defendant, ERNEST L. SIGNORELLI, came out of his office, looked at the plaintiff, and exhibited a big grin of glee on his face.

98. That during such two (2) hour period, at no time was Surrogate's Court: Suffolk County in session, and the status of defendant, ERNEST L. SIGNORELLI, was at best, that of a jailor.

99. That at about 12:30 p.m., the defendant, VICTOR G. BERGER, JR., emerged from the office of defendant, ERNEST L. SIGNORELLI, and while in the custody of defendants, CROCE and GRZYMALSKI, they permitted defendant BERGER to wilfully assault plaintiff, and one of them put a restraining hand on the plaintiff.

100. That shortly thereafter on June 23, 1977, the defendant, ERNEST L. SIGNORELLI convened the Surrogate's Court during which time he knowingly and wilfully attempted to intimidate plaintiff, knowingly and wilfully violated plaintiff's constitutional and statutory rights, or reasonably should have known same were being violated, including the right to have counsel, the right not to be questioned on incriminating subjects, after plaintiff had opted to remain mute, threatening to and in fact did punish plaintiff for

remaining mute, and denying plaintiff access to any court or judge for habeas corpus relief, and other similar rights.

101. After the court session was recessed with instructions from defendant, ERNEST L. SIGNORELLI, to remove plaintiff to Suffolk County Jail, plaintiff was permitted to make only one (1) telephone call, which was fruitless because of the absence of the attorney-recipient. When plaintiff wanted to make further telephone calls in view of the aforementioned at his own cost and expense, the defendants, SIGNORELLI, BERGER, CROCE, and GRZYMALSKI, objected and refused, particularly when plaintiff expressed a desire to telephone the Appellate Division of the Supreme Court of the Second Judicial Department.

102. That prior to June 22, 1977, there was intense hostile feelings and bias against plaintiff by the defendant, ERNEST L. SIGNORELLI, in fact there was litigation between the plaintiff and the defendant, ERNEST L. SIGNORELLI pending at the time in Supreme Court: Suffolk County.

103. That despite the aforementioned litigation, the defendant, ERNEST L. SIGNORELLI, refused to recuse himself despite plaintiff's request and the aforementioned was principally motivated in retaliation for plaintiff seeking relief in another court.

104. By State law, custom, and usage, complaints made to the Grievance Committee of the Bar Association are confidential prior to the imposition of discipline in recognition of the fact that such complaints may not be meritorious, nevertheless, the publicity damages the reputation of the attorney and hinders his earning ability. Despite the knowledge

of defendant, SIGNORELLI and defendant, BERGER, of such fact and practice, the defendant, BERGER, made complaint to the Bar Association against plaintiff (which was his right) mailing sufficient copies to various other persons so as to assure that same would receive extended publicity (which was not their right) with the intention of denigrating plaintiff's reputation and earning ability, which it did. Such complaints were made only when plaintiff sought redress in the courts against defendants and as a direct result thereof.

105. Thereafter when one of such complaints was rejected by the District Attorney of Westchester County as a "fishing expedition" and when the District Attorney of Suffolk County found no evidence of wrongdoing these results were suppressed by defendants.

106. The defendants further caused false, misleading, and prejudicial statements to be circulated to the public press in order to damage plaintiff personally, in his profession, and to prejudice plaintiff's rights in the pending criminal action, the habeas corpus proceeding, and in the federal court. That during such period of time the defendants, SIGNORELLI, BERGER, and MASTROIANNI, were and assumed the role of prosecutors, but had no official designation or capacity for such role.

a. Shortly prior to June 27, 1977, defendants, SIGNORELLI, BERGER, and MASTROIANNI, made such statements to the public press or same were made at their instigation and approval.

b. On June 27, 1977, by defendant BERGER, the

secretary of defendant, SIGMORELLI, ROBERT CIMINO and NOEL ADLER, an employee of Surrogate's Court: Suffolk County were in Supreme Court: Suffolk County at a time when they were on the public payroll and getting paid for work purportedly performed in Surrogate's Court not the Supreme Court, they made similar statements to the public press or assented to those made as officials for defendants and the Surrogate's Court.

c. On June 27, 1977, defendant, BERGER, who was not a party or recognized attorney in the proceedings in Supreme Court made voluntary, gratuitous, prejudicial, and irrelevant statements in open court with the knowledge that a representative of the press was present and for his benefit.

d. By false statements made to defendant LEONARD J. PUGATCH by defendant SIGMORELLI and/or his secretary, ROBERT CIMINO, with the knowledge that such statements would be placed in an affidavit of LEONARD J. PUGATCH, filed in Court and available to the press thereby.

e. By gratuitous statements made by defendant BERGER, before Hon. GEORGE F.X. McINERNEY, when the said defendant BERGER was not a party to the proceeding, not an attorney for any party in the proceeding, and when he was told, advised, and knew that he had no standing for making any statements, but clearly made to prejudice plaintiff in the pending proceeding and having it carried in the public press.

f. By similar remarks made under similar circumstances in Supreme Court on June 27, 1977 by the defendant BERGER.



g. By inviting interviews with the public press and conveying false and prejudicial information at times and places unknown to plaintiff at the present time.

107. Prejudicing plaintiff's legal rights, the defendants, SIGMORELLI and GRZMALSKI, caused plaintiff's subpoena that was to be served on defendant SIGMORELLI, to be served improperly so that the defendant SIGMORELLI could avoid testifying as a witness.

108. In attempting to prejudice the rights of plaintiff, the defendants, SIGMORELLI, BERGER, and MASTROIANNI, impeded and obstructed plaintiff's right to obtain court minutes from a court stenographer and which in fact did prejudice the rights of plaintiff.

109. The defendants, SIGMORELLI, BERGER, and MASTROIANNI intentionally caused the defendant, LEONARD J. PUGATCH, to serve an Order with Notice of Settlement with a false affidavit of service or in such manner that plaintiff would not receive same and the decision of the Court until after the noticed settlement time and thereby prejudiced plaintiff's rights.

110. The defendants knew or reasonably should have known that the Contempt Order of June 22, 1977 was still in full force and effect, since the Order annulling such contempt had not been entered. Nevertheless, the defendants, SIGMORELLI, BERGER, MASTROIANNI, and PUGATCH, in concert with Hon. OSCAR MUROV, reinstated the Criminal Contempt proceedings against plaintiff although they knew or should have known that same

violated plaintiff's constitutional right against double jeopardy.

111. With knowledge or with reasonable access to such knowledge, that the reinstated Order to Show Cause to hold plaintiff in criminal contempt was jurisdictionally defective, the defendants, SIGNORELLI, BERGER, MASTROIANNI, and PUGATCH, in concert with Hon. OSCAR MUROV, transformed the judicial tribunal of Hon. OSCAR MUROV into a forum to denigrate plaintiff in his profession and in the public media.

112. Although Hon. GEORGE F.X. McINERNEY, had been most explicit in his opinion that in the case at bar testimony in criminal contempt proceedings could not be taken in the absence of the plaintiff accused, and knowing that there was no jurisdiction over plaintiff, nevertheless, the defendants, SIGNORELLI, BERGER, and MASTROIANNI, caused testimony to be taken again in another sham proceeding in order to denigrate plaintiff in his profession and in the public media.

113. Continuing this reign of terror and harassment by defendants, SIGNORELLI, BERGER, MASTROIANNI, and PUGATCH, and knowing that the Order annulling the Contempt Order had been stayed by virtue of the Notice of Appeal served and filed on behalf of defendant, SIGNORELLI, and despite the fact that these defendants knew that any newly reinstated criminal contempt proceedings were constitutionally improper, nevertheless these defendants reinstated several such criminal

contempt proceedings.

114. The defendants, SIGMORELLI, BERGER, MASTROIANNI, and PUGATCH, knowing that the Contempt Order of June 22, 1977 contained false and contrived statements of which if truthfully disclosed would have caused the Writ of Habeas Corpus to be immediately and summarily sustained, suppressed such information in order to harass plaintiff in making numerous distant and arduous trips to court in order to prove the obvious falsity of such statements.

115. The defendants, SIGMORELLI, BERGER, MASTROIANNI, and PUGATCH, knowing that they did not have a single respectable case or authority to support such Contempt Order, nevertheless resisted plaintiff's Writ of Habeas Corpus as a means of aggravated harassment.

116. Still having failed to produce a single responsible case or authority to support such Contempt Order, these defendants are intent in using public funds to prosecute a meritless appeal to harass plaintiff and cause him to expend his private funds.

117. Obstructing plaintiff's right to the Supreme Court, the defendants, SIGMORELLI, BERGER, MASTROIANNI, and FINNERTY, conspired that FINNERTY should accept plaintiff's legal papers and fees for serving same but not serve them on the defendant BERGER and Hon. OSCAR MUROV until the return date had passed.

118. Although plaintiff and another advised defendant, CHARLES BROWN, who masquerades as a police official

that if papers were mailed to plaintiff he would mail a Notice of Appearance (which would be just as effective as personal service), the defendant, CHARLES BROWN, after consulting with the defendants, SIGNORELLI, BERGER, and MASTROIANNI, conspired to harass, embarrass, and interfere with plaintiff's business, by loitering and annoying those with whom plaintiff has business relations at their place of business.

119. Defendants, SIGNORELLI, BERGER, and MASTROIANNI, caused a representative of theirs to loiter around plaintiff's residence for many hours on August 10, 1977, making embarrassing inquiries of neighbors, under the pretense that he desired to serve legal papers, which these defendants knew were meritless and void and which were so declared void.

120. On January 25, 1978, while plaintiff was in Surrogate's Court: Suffolk County and deprived of movement in a significant manner, the defendant, ERNEST L. SIGNORELLI, acting in concert with defendants, ANTHONY MASTROIANNI and VINCENT G. BERGER, JR.,

a. interrogated plaintiff on matters wherein it was openly disclosed that plaintiff was the subject of a criminal accusation and purposefully did not give plaintiff the mandatory federal constitutional warnings.

b. continued such interrogation after plaintiff expressed his constitutional desire to remain silent.

c. continued such interrogation even after plaintiff expressed his constitutional desire to have counsel.

d. repeatedly made "directions" that plaintiff respond to the aforementioned accusations after plaintiff expressed desires to remain silent and/or after expressing a desire to have counsel.

e. made threats regarding the failure to respond as directed by the defendant, ERNEST L. SIGNORELLI.

f. directed that plaintiff appear the following day "with" his counsel because plaintiff chose to remain silent.

These defendants knew they were acting in violation of plaintiff's federal constitutional rights, maliciously intent on infringing upon them with consequent injury.

121. On January 25, 1978, without legal authority or cause, restraining and imprisoning plaintiff within the confines of the court building of Surrogate's Court, and then, on information and belief the defendants, SIGNORELLI, MASTROIANNI, and BERGER, had plaintiff followed and kept under surveillance by a court officer restricting plaintiff's lawful activities.

122. In order to intimidate plaintiff, the defendants, ERNEST L. SIGNORELLI, VINCENT G. BERGER, JR. and ANTHONY MASTROIANNI, conceived, planned, and executed a scheme to harass and burden plaintiff's wife by having her

a. subpoenaed to a place a great distance from her residence or office on a date when proceedings were not scheduled and to keep her from her business and personal

obligations.

b. Knowing that they had no jurisdiction over her, defendants, SIGNORELLI and BERGER, "directed" her to appear in Supreme Court: Suffolk County and then the defendant, ERNEST L. SIGNORELLI, employing the State office of the Attorney General falsely represented to the United States District Court that only a request had been made to her to appear when plaintiff sought injunctive relief.

c. Making numerous telephone calls to her containing threats and intimidating remarks.

123. Although the defendants, SIGNORELLI, MASTROIANNI, and BERGER, were advised that plaintiff would be engaged in the Appellate Division on January 26, 1978 and expressing no desire to know any particulars with respect to such engagement, the defendants, SIGNORELLI and BERGER, using official authority and governmental facilities, harassed, embarrassed, and denigrated plaintiff in the Appellate Division of the Supreme Court, First and Second Judicial Department by repeated telephone calls and inquiries, that plaintiff was unable to carry out his assigned function therein.

124. Employing the State office of the Attorney General to oppose plaintiff's motion on February 3, 1978, which sought, inter alia, to restrain, defendant, SIGNORELLI, "from hearing or adjudicating any matter wherein (plaintiff) is a party or an attorney", the defendant, SIGNORELLI, falsely represented to the United States District Court that "there (was) no present action", that it was "concluded", and that "the accounting proceeding ... terminated", Despite such

statements and representations to the United States District Court, the defendant, ERNEST L. SIGNORELLI, employing his official authority and power went on a personal rampage three week later, by causing to be published a defamatory statement concerning plaintiff by name which patently concerned matters over which defendant, SIGNORELLI, never had nor could ever have jurisdiction to decide or determine as part of his judicial duties since it did not occur in Surrogate's Court and such defendant was a party litigant. In such published "Decision" dated February 24th, 1978, the defendant, SIGNORELLI,

a. made false and misleading reference to a Writ of Habeas Corpus secured by plaintiff wherein defendant claimed that plaintiff presented same to the Supreme Court and falsely represented that no previous application had been made by plaintiff, when in fact a prior application had been made to the Appellate Division.

b. that plaintiff's Writ of Habeas Corpus was granted only on "Technical" grounds.

c. that the Writ of habeas Corpus was erroneously granted and this permitted plaintiff to "flaunt with impunity" orders of the Surrogate's Court.

d. that plaintiff improperly imposed an application upon the Supreme Court: Nassau County.

e. that plaintiff's present suit in the United States District Court is "essentially (a) duplication" of one already dismissed.

125. Furthermore, the defendant, ERNEST L. SIGNORELLI,

having decided to recuse himself, had no jurisdiction to influence future litigation, both criminal and civil, by making false, misleading, and derogatory comments against the plaintiff, generally and with regard to those matters which may be the subject of further litigation.

126. The attention of the defendant, ERNEST L. SIGNORELLI, having been drawn specifically to the fact that it was improper to publicize a complaint for discipline against an attorney, in the filing and service of the complaint in this action, this defendant thereafter and maliciously caused the rendition and publication of this needless "Decision" in order to effect the earning ability of plaintiff and his status in his profession.

127. The defendants, SIGNORELLI, BERGER, and MASTROIANNI, in order to prejudice plaintiff's rights have caused and encouraged the defendant, LEONARD J. PUGATCH, to execute false affidavits of service in Federal Court so as to curtail plaintiff's opportunity of response.

128. That the defendants have done many other acts and continue to do so violative of plaintiff's constitutional and civil rights, in retaliation for plaintiff's availing himself of his legal rights in the Courts of the United States and State of New York and in trying to impair and impede redress in such courts.

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, and except for cause; mandating that impartial reporters be assigned to such Court; enjoining the defendant, ERNEST L. SIGNORELLI from awarding any fees or 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 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, and from the Estate of EUGENE PAUL KELLY, in particular; compelling them to account for any and all fees and disbursements received. With respect to the second cause of action, staying and restraining the defendants, ERNEST L. SIGNORELLI, JOHN P. FINNERTY, and COUNTY OF SUFFOLK from incarcerating plaintiff until determination of this cause of action or Order of this Court. With respect to the third cause of action restraining the defendants, CHARLES BROWN, or any other non-peace officer from using any shield, badge, or identification which resembles that used by a police or peace officer and compelling the defendant, COUNTY OF SUFFOLK, to prohibit such use thereof. With respect to the fourth cause of action directing that defendant, COUNTY OF SUFFOLK include interest on any bail money returned, dispense with onerous conditions with respect to the return of such monies as may be appropriate to the consideration of the amount involved. With respect to the fifth cause of

action enjoining the defendants therein from interfering with plaintiff's right to have legal papers served by the Sheriff timely and properly, directing JOHN P. FINNERTY and THE COUNTY OF SUFFOLK to properly and timely serve legal papers on behalf of plaintiff in the same manner as everyone else, and directing JOHN P. FINNERTY and THE COUNTY OF SUFFOLK to account and return such monies as were paid by plaintiff for service of papers which were not served or properly served; enjoining any and all trials or proceedings by defendant, ERNEST L. SIGNORELLI, involving the plaintiff. With respect to the sixth cause of action enjoining the defendants, ERNEST L. SIGNORELLI, VINCENT G. BERGER, JR. and ANTHONY MASTROIANNI from using any funds except their own personal funds in any proceedings involving plaintiff and without any color of authority except that which may be given by an impartial court or judge. With respect to the seventh cause of action directing the named defendants therein to deliver copies of the records which plaintiff delivered to them. With respect to the eighth cause of action awarding judgment in favor of plaintiff against the defendants for \$10,000,000 together with the 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 premises.

Yours, etc.

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GEORGE SASSOWER, Esq.  
Attorney for plaintiff-  
pro se.

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


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

That he is the plaintiff in the within action  
and has read the foregoing complaint and knows the contents  
thereof.

That the same is true to his own knowledge 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  
13th day of March, 1978.

  
Notary Public  
State of New York  
My Comm. Expires 12/31/1979