UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- -X

GEORGE SASSOWER,

Plaintiff,

- against -

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

Defendants.

- -X

Index No.
~~77 C 1447~~
78 C 124

Upon reading and filing the annexed affidavit of GEORGE SASSOWER, Esq., duly sworn to on the 27th day of January, 1978, it is

ORDERED, that the defendants, ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI and VINCENT G. BERGER, JR. or their attorneys, show cause before this Court in Court Room 5, at the United States Courthouse, 225 Cadman Plaza East, in the Borough of Brooklyn, City and State of New York, on the 3rd day of February, 1978, at ~~10:00~~ 9:30 o'clock in the ~~fore~~ after noon of that day or as soon thereafter as Counsel may be

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heard why these defendants should not be stayed from harassing plaintiff and those with whom he has business, professional and social engagements pending the termination of this action together with any other, further and/or different relief as to this Court may seem just and proper in the premises.

SUFFICIENT CAUSE having been shown therefore, let copies of this Order together with copies of the papers upon which it was based be ~~served by certified mail~~ served personally upon such defendants, with personal service upon the Attorney General, on or before the ~~8th~~ 8th day of Feb, 1978 at ~~4~~ a before 4:00 P.M be deemed good and sufficient service, and that answering papers if any, be served upon plaintiff ~~at least~~ on ~~days before~~ the return date of this motion at or before 1:00 P.M

Dated: White Plains, N.Y.
Jan 27, 1978
@ 3:30 P.M

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------x

GEORGE SASSOWER,

78 C 124

Plaintiff,

-against-

ERNEST L. SIGNORELLI, et el.,

Defendants.

----------x

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 and makes this affidavit in support of a motion to restrain the defendants, ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI, and VINCENT G. BERGER, JR., from harassing deponent, those with whom plaintiff has business, professional, and social relations pending the termination of this litigation or further Order of this Court.

The Complaint in this action was verified on Friday, January 20, 1978 and filed in this Court on Monday, January 23, 1978.

Although copies of the Summons and Complaint for all the defendants has been delivered to the Marshall for service,

deponent has not been advised with respect thereto.

1. On January 25, 1978, your deponent telephoned an attorney for advise with respect to a question posed by the defendant, ERNEST L. SIGNORELLI, to your deponent. Thereupon the defendant, ERNEST L. SIGNORELLI, "directed" that such attorney appear before him (through your deponent) in Riverhead, Long Island, New York, at 9:30 a.m. the following morning.

That your deponent submits that the said ERNEST L. SIGNORELLI, who is the Surrogate of Suffolk County, has no jurisdiction to "direct" an attorney with whom deponent counsels to appear before him.

Such "direction" must be viewed in the light of the actions of the defendant, ERNEST L. SIGNORELLI, in having your deponent arrested and incarcerated on June 23, 1977 for not having obeyed this defendant's "direction" and thereafter obstructed deponent's constitutional rights to access to the courts by preventing deponent from having a Writ of Habeas Corpus signed and the right to communicate with Counsel.

2. In order to harass the plaintiff, the defendant, ANTHONY MASTROIANNI, caused to be issued a Subpoena Duces Tecum for the wife of your deponent, returnable on January 24, 1978, when in fact there was no proceeding pending in Court on such date.

3. That the defendant, VINCENT G. BERGER, JR., has since such date, telephoned your deponent's wife on a number of

ocassions and made numerous threats to her as to your deponent, which has caused her to become emotionally concerned.

4. That on January 26th, 1978, the defendant, VINCENT G. BERGER, JR., telephoned your deponent's wife, and advised her that the defendant, ERNEST L. SIGNORELLI, had "directed" her to appear before him that day.

Here again the said defendant, ERNEST L. SIGNORELLI, has no jurisdiction over the wife of your deponent, and considering the weather, road conditions, and her own personal problems that day, with a flood in the basement, to compel her to travel from Westchester County to Riverhead is indicative of defendant's prospective herein.

5. That on January 26, 1978 the defendant, ERNEST L. SIGNORELLI, caused at least five telephone calls to be made to the Appellate Division concerning your deponent's presence at such Court wherein he had argued an appeal on that day.

With the knowledge, consent and approval of that Court your deponent, after oral argument, had a conference with the adversary in an attempt to resolve the numerous issues and appeals involved in that action.

During such conference one of the clerks of the Appellate Division entered and advised your deponent that the Surrogate's Court, Suffolk County, had called five times that morning, inquired as to my presence, inquired as to the presiding justice on that day and several other matters which your deponent found extremely embarrassing and disturbing. Needless to say, that such incident affected my attempt to resolve the pending matter in the Appellate Division and deponent was particularly mortified that possibly the presiding justice before whom your deponent had argued had been communicated with directly or indirectly by the defendant, ERNEST L. SIGNORELLI.

6. That on January 25, 1978, the defendant VINCENT G. BERGER, JR., admitted that for several months four investigators have been "staked out" against your deponent, two of them at deponent's home and two of them at the office out of which deponent operates professionally.

7. That on January 25, 1978 on at least two occassions when your deponent went to make telephone calls he was trailed by the Surrogate Court attendant which prevented your deponent from checking other matters which your

deponent attempted to do at that time. Your deponent verily believes that being trailed by the Court attendant was at the direction, knowledge or approval of the defendant, ERNEST L. SIGNORELLI.

8. That your deponent could enumerate numerous other incidences wherein these three defendants have been abusing their offices, operating under color of law in order to harass your deponent.

9. That no previous application has been made in this Court for the relief sought herein.

10. That by reason of the refusal and failure of the Sheriff's Office, Suffolk County, to serve or properly serve papers on behalf of your deponent as set forth in the complaint, your deponent prays that service be permitted on such defendants by certified mail with personal service upon the Attorney General, who in all likelihood will appear on behalf of the defendant, ERNEST L. SIGNORELLI.

WHEREFORE, deponent respectfully prays that this motion be granted on the grounds that it is causing your deponent irreparable injury and harm, together with such other and further relief as to this Court may seem just and

proper in the circumstances.

GEORGE SASSOWER

Sworn to before me this
27 day of January, 1978.

DUDLEY GAFFIN
Notary Public, State of New York
No. 31-4620558
Qualified in New York County
Certificate filed in New York County
Commission Expires March 30, 1979