

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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GEORGE SASSOWER,

Plaintiff,

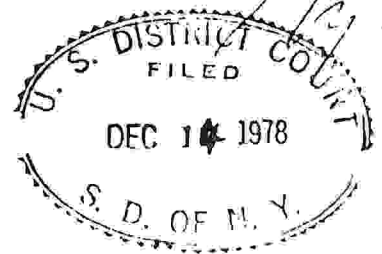
NOTICE OF MOTION

- against -

ANTHONY GRZYMALSKI, EDWARD MORRIS,
ALLAN CROCE, JOHN P. FINNERTY, HOWARD
E. PACHMAN, ERICK F. LARSEN, ERNEST L.
SIGNORELLI, HARRY E. SEIDELL, ANTHONY
MASTROIANNI, VINCENT G. BERGER, JR.,
WARDEN REGULA, LT. BULUK, LT. CHICHANOWICZ,
SGT. REICHLER, THE COUNTY OF SUFFOLK, and
others whose identity is presently
unknown to plaintiff,

DOCKET NO.
78 Civ. 4989
(LWP)

Defendants.



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S I R S:

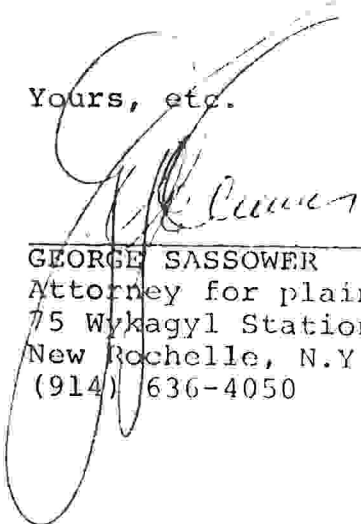
PLEASE TAKE NOTICE, that upon the annexed affidavit of GEORGE SASSOWER, Esq., sworn to on the 8th day of December, 1978, and the exhibits annexed thereto, a motion will be made before the Honorable LAWRENCE W. PIERCE at the United States District Court, Room 302, at the courthouse located at Foley Square, New York, New York, on the 21st day of December, 1978, at 10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an Order directing that an inquest be taken before this Court by the plaintiff and judgment entered thereon by reason of the failure of defendants to timely answer the complaint or alternatively, for a formal decree pro confesso together with such other, further, and/or different relief as to this

Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that answering affidavits, if any, are required to be served upon the undersigned at least three days before the return date of this motion with an additional three days if service is by mail.

Dated: New Rochelle, New York
December 8, 1978

Yours, etc.



GEORGE SASSOWER
Attorney for plaintiff pro se
75 Wykagyl Station
New Rochelle, N.Y. 10804
(914) 636-4050

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
-----X

GEORGE SASSOWER,

Plaintiff,

- against -

ANTHONY GRZYMALSKI, EDWARD MORRIS,
ALLAN CROCE, JOHN P. FINNERTY, HOWARD
E. PACHMAN, ERICK F. LARSEN, ERNEST L.
SIGNORELLI, HARRY E. SEIDELL, ANTHONY
MASTROIANNI, VINCENT G. BERGER, JR.,
WARDEN REGULA, LT. BULUK, LT. CHICHANOWICZ,
SGT. REICHLE, THE COUNTY OF SUFFOLK, and
others whose identity is presently
unknown to plaintiff,

DOCKET NO.
78 Civ. 4989
(LWP)

Defendants.

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

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

I am the plaintiff in the within matter and make
this affidavit in support of a motion directing that an
inquest be taken before this Court by the plaintiff and
judgment be entered thereon for failure of defendants to
timely answer the complaint, alternatively, for a formal
decree pro confesso together with such other relief as to
this Court may seem just and proper.

All defendants have been served herein except for
the defendant, VINCENT G. BERGER, JR., by the United States
Marshal.

On November 25, 1978, a "Notice of Default" (Exhibit "A") was mailed to all defendants except for VINCENT G. BERGER, JR., with a copy and proof of service being mailed to the Clerk of this Court and docketed on November 29, 1978.

That none of the defendants responded except for the defendants ERNEST L. SIGNORELLI and HARRY E. SEIDELL, who served an answer by LOUIS J. LEFKOWITZ, Attorney General of the State of New York, which answer was rejected the same day it was received (Exhibit "B"). The original Notice of Rejection, with proof of service, was docketed in this Court on December 5, 1978.

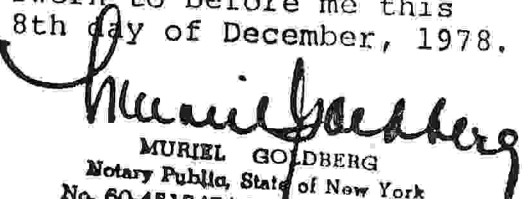
I see no purpose of accepting an answer which clearly violates Rule 11 of the Federal Rules of Civil Procedure as "sham and false".

Initially, plaintiff proceeded by Order to Show Cause but was advised by the Court that he should and may proceed by Notice of Motion.

WHEREFORE, it is respectfully prayed that the relief sought herein be granted in all respects.


GEORGE SASSOWER

Sworn to before me this
8th day of December, 1978.


MURIEL GOLDBERG
Notary Public, State of New York
No. 60-4518474 Westchester County
Commission Expires March 30, 1979