

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGE SASSOWER,

Plaintiff,

-against-

Docket No.
78Civ4989
[GLG]

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

Proposed
Amended
Complaint

Defendants.

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Plaintiff, complaining of the defendants,
respectfully sets forth and alleges:

1. The jurisdiction of this Court is invoked pursuant to the provisions of Title 28, United States Code, §§ 1331, 1343, this being a suit in law and equity which is authorized by law, Title 42, United States Code §1983 et seq., 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 or by any Act of Congress providing for equal

rights 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, United States Code, §1983, et seq., and the matter in controversy exceeds the sum of \$10,000, as hereinafter more fully appears herein.

2. All of the times hereinafter mentioned, plaintiff was and still is a citizen of the United States and within the jurisdiction of the United States and within the jurisdiction of the United States to wit., within the Southern District of New York.

3. That at all of the times hereinafter mentioned, the defendants conspired and acted in consort intending to deprive and actually depriving plaintiff of his constitutional and statutory rights under the laws of the United States of America.

4. On the 8th day of March, 1978, the defendant, HARRY E. SEIDELL, with actual knowledge that he clearly did not have jurisdiction to try, convict, or sentence plaintiff in absentia, and with actual knowledge that same was contrary to the Constitution and Laws of the United States, he, with the knowledge, consent, connivance, and approval of the other defendants did try, convict, and sentence plaintiff, all in absentia, to the Suffolk County Jail for a period of thirty days.

5. The defendants, knowing that the aforementioned Order sentencing plaintiff to be incarcerated was constitutionally invalid, nevertheless, ordered, directed, and approved of the issuance of a warrant to be executed against the body of the plaintiff and restraining his freedom.

6. Thereafter will, and offered in Supreme Court of New York, Bronx or Westchester Counties at times opted by defendant, execute their warrant if they desired, the defendants purposefully refused to execute said warrant at such places only because plaintiff could there readily avail himself of his constitutional right to apply for a Writ of Habeas Corpus.

7. Thereafter, deputy Sheriffs of Suffolk County made numerous forays into New York and Westchester counties in an attempt to seize and abduct plaintiff, alternatively to embarrass and harass him, which they did, although they knew that they had no official status outside their bailiwick, which was Suffolk County.

8. The defendants refused to execute their Warrant at Special Term in New York, Bronx, or Westchester counties since they sought to minimize or eliminate the availability of plaintiff's other constitutional rights.

9. On June 10, 1978, defendants knowing that they had no legal right to seize and arrest plaintiff in Westchester Court, even if the Warrant was valid, which it was not, the defendants did send ANTHONY GRZYMALSKI and EDWARD MORRIS, who were officials having no official authority outside of Suffolk County in order to seize and arrest plaintiff, which they did in fact do.

10. In seizing the plaintiff, the defendants, EDWARD MORRIS and ANTHONY GRZYMALSKI, waited until there were no witnesses or possible assistance available, used an unreasonable amount of force, did not permit plaintiff to secure his home, take any necessities with him not on his person, or avail himself of his constitutional rights including the presentment of a Writ of Habeas Corpus to State and Federal judges, communicating with counsel, relatives, friends, or the local police.

11. Thereafter, on a public highway and thoroughfare while the plaintiff was lawfully exercising his right of free speech and his right in seeking aid from local police, the defendant, GRZYMALSKI and MORRIS, all in furtherance of the aforementioned conspiracy physically subdued plaintiff causing him serious injuries unless he ceased trying to attract the attention of the local police.

12. In furtherance of plan, the defendants, GRZYMALSKI and MORRIS, additionally brutalized the plaintiff by causing handcuffs to be very tightly clasped around his wrists and refusing to loosen same unless and until plaintiff promised not to make further attempts to attract police or the attention of others to his plight and then did not loosen such handcuffs until plaintiff had no such ability.

13. Thereafter, plaintiff was incarcerated in the Suffolk County Jail, in a cell-block which was not in conformity with statutory law and for the purpose of having plaintiff physically molested and abused.

14. That defendants refused to permit plaintiff's wife and daughter visit him, although request was made during perscribed visiting hours.

15. Thereafter, although presented with a Writ of Habeas Corpus directing plaintiff's release, the defendants, acting in concert, refused to release plaintiff.

16. For delivering and serving such Writ of Habeas Corpus, the plaintiff's wife and daughter were themselves imprisoned and incarcerated without toilet facilities, means to communicate outside the jail or other ordinary amenities.

17. That until plaintiff's release, five hours after being presented with a signed Writ of Habeas Corpus, which mandated plaintiff's release on his own recognizance, the defendants did not permit communication between himself, wife, and daughter, but instead gave false and misleading information in an attempt to emotionally aggravate them.

18. During the time that plaintiff was supposed to have been released, the defendants directed the plaintiff to be locked in a cell and when he refused he was not given proper protection from the other inmates who kept assaulting and threatening him with reprisals because of his refusal to be locked in his cell.

19. On the 12th day of June, 1978, the defendant, HARRY E. SEIDELL, tried to influence a judicial proceeding wherein he was involved with the plaintiff as litigants, by having his secretary communicate ex parte with court officials in Supreme Court, Westchester County.

20. On June 16, 1978, still acting in concert with the other defendants, the defendant, GRZYMALSKI, caused to be issued a felony complaint against plaintiff herein he falsely alleged that he was "a police officer of the City of New Rochelle" as well as other false statements.

21. As a result of such felony complaint, the plaintiff was arrested, booked, fingerprinted, photographed and caused similar indignities.

22. That on the 18th day of October, 1978, after a hearing, the charges against the plaintiff were dismissed.

23. That by reason of the false allegations of the defendant, GRZYMALSKI, who was acting in concert with the other defendants, the plaintiff was caused to be falsely arrested, maliciously prosecuted, and deprived of his liberty.

24. That as a result of the aforementioned, plaintiff sustained substantial personal injuries and special damages, and demands compensatory and punitive damages from defendant in the sum of \$5,000,000.

WHEREFORE, plaintiff demands judgment
against the defendants in the sum of \$5,000,000 together
with interest, costs and disbursements.

GEORGE SASSOWER