

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
-----X

DORIS L. SASSOWER and CAREY A. SASSOWER,

Plaintiffs,

INDEX NO.  
3607-1979

-against-

VERIFIED ANSWER

ERNEST L. SIGNORELLI, JOHN P. FINNERTY,  
WARDEN REGULA, ANTHONY MASTROIANNI, and  
THE NEW YORK LAW JOURNAL PUBLISHING  
COMPANY,

Defendants,  
-----X

Defendants, JOHN P. FINNERTY, WARDEN REGULA,  
ANTHONY MASTROIANNI by their attorney HOWARD E. PACHMAN,  
SUFFOLK COUNTY ATTORNEY, by ERICK F. LARSEN, of counsel,  
answering the plaintiff's complaint herein, respectfully  
alleges upon information and belief:

ANSWERING THE FIRST CAUSE  
OF ACTION:

1. Denies each and every allegation  
contained in paragraphs numbered "1" "2" and "3" of the  
complaint herein.

ANSWERING THE SECOND CAUSE  
OF ACTION:

2. Denies each and every allegation  
contained in paragraph numbered "6" of the complaint herein.

Exhibit "C"

ANSWERING THE THIRD CAUSE  
OF ACTION:

3. Denies each and every allegation contained in paragraphs numbered "8", "9", "10" and "11" of the complaint herein.

ANSWERING THE FOURTH CAUSE  
OF ACTION:

4. Denies each and every allegation contained in paragraphs numbered "13", "14", "15", "16", "17", "20", "21" and "22" of the complaint herein.

5. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "18" of the complaint herein.

ANSWERING THE FIFTH CAUSE  
OF ACTION:

6. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "24", "26" and "29" of the complaint herein.

7. Denies each and every allegation contained in paragraphs numbered "30" and "31" of the complaint herein.

ANSWERING THE SIXTH CAUSE  
OF ACTION:

8. Denies each and every allegation contained in paragraphs numbered "33", "34", "37", and "39" of the complaint herein.

9. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "35", "36", "38" and "40" of the complaint herein.

AS AND FOR A FIRST COMPLETE  
AND AFFIRMATIVE DEFENSE:

10. Causes of action, if any, alleged in the complaint, are barred by the doctrines of res judicata and/or collateral estoppel.

AS AND FOR A SECOND COMPLETE  
AND AFFIRMATIVE DEFENSE:

11. General Municipal Law §50(i) requires plaintiff to serve notice of his claim herein upon the County of Suffolk.

12. Service of such notice of claim is a condition precedent to the jurisdiction of the Supreme Court, State of New York.

13. This court is without subject matter jurisdiction to hear and/or determine plaintiff's claims, if any.

AS AND FOR A THIRD COMPLETE  
AND AFFIRMATIVE DEFENSE:

14. The complaint fails to state a claim upon which relief can be granted.

AS AND FOR A FOURTH COMPLETE  
AND AFFIRMATIVE DEFENSE:

15. Whatever injuries and damages sustained by the plaintiff, if any, as alleged in the complaint herein, were, in whole, or in part, caused by the plaintiff's own culpable conduct.

AS AND FOR A FIFTH COMPLETE  
AND AFFIRMATIVE DEFENSE:

16. Plaintiff has designated an improper venue in this action.

AS AND FOR A SIXTH COMPLETE  
AND AFFIRMATIVE DEFENSE:

17. Defendants conduct if any, was undertaken solely pursuant to their duties and responsibilities as law enforcement and or government officials.

18. Defendants at all times acted in good faith in that they reasonably believed that they were exercising their statutory and constitutionally inherent powers.

19. That in performing such duties and responsibilities, defendants actions and conduct was reasonable and necessary.

20. That in performing such duties and responsibilities, defendants, are, and were, protected by federal and state immunity.

AS AND FOR A SEVENTH COMPLETE  
AND AFFIRMATIVE DEFENSE:

21. That the events encompassed by the allegations of the complaint, if true, and without conceding same in any way, were undertaken and/or performed in good faith

AS AND FOR A EIGHTH COMPLETE  
AND AFFIRMATIVE DEFENSE:

22. Defendants acted as mere ministerial agents of the Surrogates Court, Suffolk County.

23. Such conduct of defendants is protected by the doctrine of absolute judicial immunity.

24. In the alternative, such conduct of defendants is protected by the doctrine of absolute prosecutorial immunity.

WHEREFORE, answering defendants demand judgment against the plaintiff herein, dismissing the complaint, together with the costs and disbursements of this action, and for such other and further relief as this court may deem just and proper.

DATED: May 23, 1979  
Hauppauge, New York

HOWARD E. PACHMAN  
Suffolk County Attorney  
ATTORNEY FOR DEFENDANTS  
JOHN P. FINNERTY, WARDEN REGULA,  
ANTHONY MASTROIANNI

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ERICK F. LARSEN, of counsel

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598 Madison Avenue  
New York, New York 10022

Verified by ERICK F. LARSEN, Esq., Assistant  
Suffolk County Attorney on May 23, 1979

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