

SA145
Answer-Signorelli
(SA145-SA153)

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

DORIS L. SASSOWER and CAREY A.
SASSOWER,

Plaintiffs,

-against-

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

Defendants.
-----X

VERIFIED ANSWER

Westchester County
Index No. 3607-1979

Suffolk County
Index No. 79-9866

Defendant, Honorable Ernest L. Signorelli, by his
attorney, ROBERT ABRAMS, Attorney General of the State of
New York, for his answer to the complaint alleges:

AS TO THE FIRST CAUSE OF ACTION

FIRST: Denies each and every allegation contained
in paragraphs "1" and "2" of the complaint.

SECOND: Denies each and every allegation contained
in paragraph "3" of the complaint, except denies knowledge or
information sufficient to form a belief as to the truth or

accuracy of allegations that plaintiffs made a visit to the Suffolk County jail on June 10, 1978 and the purpose, hours, and incidents of that visit on June 10, 1978.

AS TO THE SECOND CAUSE OF ACTION

THIRD: Repeats and realleges the responses to paragraphs "1", "2" and "3" of the complaint as realleged in paragraph "4" of the complaint, with the same force and effect as though fully set forth herein.

FOURTH: Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations in paragraph "5" of the complaint, except admits that plaintiff Doris Sassover is an attorney admitted to practice in the courts of the State of New York.

FIFTH: Denies each and every allegation contained in paragraph "6" of the complaint, except denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations that plaintiffs visited the Suffolk County jail on June 19, 1978, and the purpose, hours and incidents of that visit.

AS FOR THE THIRD CAUSE OF ACTION

SIXTH: Repeats and realleges the responses to paragraphs "1" through "6" of the complaint as realleged in

paragraph "7" of the complaint, with the same force and effect as though more fully set forth herein.

SEVENTH: Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph "8" of the complaint.

EIGHTH: Denies each and every allegation contained in paragraphs "9", "10" and "11" of the complaint; except denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations that plaintiffs made a visit to the Suffolk County jail on June 10, 1978, and the purpose, hours, and incidents of that visit.

AS TO THE FOURTH CAUSE OF ACTION

NINTH: Repeats and realleges the responses to paragraphs "1" through "11" of the complaint as realleged in paragraph "12" of the complaint, with the same force and effect as though more fully set forth herein.

TENTH: Denies each and every allegation contained in paragraph "13" of the complaint, except admits that George Sasser commenced a proceeding by order to show cause dated June 6, 1977 against defendant Ernest L. Signorelli, Surrogate of Suffolk County in the Supreme Court of the State of New York, requesting that Surrogate Court be restrained from enforcing

an order removing George Sassower as the Executor of the Estate of Eugene Paul Kelly and from enforcing an order against George Sassower to turn over the books and records of said Estate on the ground that the Surrogate Court was without jurisdiction to issue these orders. That petition was dismissed by decision dated July 1, 1977 and order dated August 1, 1977.

ELEVENTH: Denies each and every allegation contained in paragraphs "14", "15", "16", "17" and "18" of the complaint.

TWELFTH: Denies the allegations of paragraph "19" of the complaint to the extent they imply that George Sassower commenced a single action and affirmatively alleges that George Sassower commenced a total of four actions based on substantially the same set of facts naming, inter alia, Ernest L. Signorelli as defendant. It is further alleged that the first two of these actions brought pursuant to 42 U.S.C. § 1983 (77 C. 1447 and 78 C. 124) were dismissed by order and judgment of the Honorable Jacob Mishler dated September 20, 1977 and April 20, 1978, respectively, and that these actions were consolidated on appeal to the Second Circuit, which affirmed the dismissals by decision and order dated December 19, 1978 (Docket No. 77-7511); and that George Sassower's third and subsequent civil rights action is pending in the Southern District before Judge Pierce;

and that George Sassoer's action for libel and slander against the Honorable Ernest L. Signorelli is pending in the Supreme Court, Suffolk County (Index No. 17671/78).

THIRTEENTH: Denies each and every allegation contained in paragraphs "20", "21" and "22" of the complaint.

AS TO THE FIFTH CAUSE OF ACTION

FOURTEENTH: Repeats and realleges the responses to paragraphs "1" through "22" of the complaint as realleged in paragraph "23" of the complaint, with the same force and effect as though more fully set forth herein.

FIFTEENTH: Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraphs "23", "24", "25", "26" and "27" of the complaint except admits that defendant New York Law Journal Publishing Company published a newspaper entitled the New York Law Journal, which is an official reporter of court decisions pursuant to Judiciary Law § 91.

SIXTEENTH: Denies the allegations in paragraph "28" of the complaint and respectfully refers this Court to New York Judiciary Law § 90(10) as best evidence of its own content.

SEVENTEENTH: Admits the allegations in paragraph "29" of the complaint, except denies "specific" awareness as alleged and denies knowledge or information sufficient to form a belief as to the truth or accuracy of these allegations with respect to defendant, New York Law Journal Publishing Company.

EIGHTEENTH: Denies each and every allegation contained in paragraph "30" of the complaint, except admits that the quoted statement as set forth in paragraph "30" of the complaint is taken from an order and decision of defendant, Ernest L. Signorelli, Suffolk County Surrogate in Matter of Eugene Paul Kelly, which decision and order was dated February 24, 1978 and upon information and belief was published in the New York Law Journal on March 3, 1978.

NINETEENTH: Denies each and every allegation contained in paragraph "31" of the complaint.

AS TO THE SIXTH CAUSE OF ACTION

TWENTIETH: Repeats and realleges the responses to paragraphs "1" through "31" as realleged in paragraph "32" of the complaint with the same force and effect as though more fully set forth herein.

TWENTY-FIRST: Denies each and every allegation contained in paragraph "33" of the complaint and affirmatively alleges that plaintiff Doris Sassower filed a notice of appearance as attorney for the executor of the Estate of Eugene Paul Kelly, George Sassower, at the inception of this estate and did not withdraw until May 12, 1977. It is further affirmatively alleged that defendant Ernest L. Signorelli recused himself by decision and order dated February 24, 1978.

TWENTY-SECOND: Denies each and every allegation contained in paragraph "34" of the complaint and respectfully refers the court to the decision and order in Matter of Eugene Paul Kelly, Surrogate's Court, Suffolk County dated February 24, 1979 as best evidence of the content therein. (Index No. 735-P-1972)

TWENTY-THIRD: Denies each and every allegation contained in paragraphs "35" and "36" of the complaint.

TWENTY-FOURTH: Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraphs "37" and "38" of the complaint.

TWENTY-FIFTH: Denies each and every allegation contained in paragraph "39" of the complaint.

TWENTY-SIXTH: Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph "40" of the complaint, except denies that defendant Signorelli had no jurisdiction over the plaintiff Doris Sassower.

AS AND FOR A FIRST
AFFIRMATIVE DEFENSE

TWENTY-SEVENTH: The complaint fails to state a cause of action.

AS AND FOR SECOND
AFFIRMATIVE DEFENSE

TWENTY-EIGHTH: The claims set forth in the complaint are barred by the doctrine of judicial immunity.

AS AND FOR A THIRD
AFFIRMATIVE DEFENSE

TWENTY-NINTH: The causes of action alleged in the complaint are barred by the doctrine of collateral estoppel.

AS AND FOR A FOURTH
AFFIRMATIVE DEFENSE

THIRTIETH: Venue has been improperly designated in Westchester County.

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AS AND FOR A FIFTH
AFFIRMATIVE DEFENSE

THIRTY-FIRST: This action is barred by the statute
of limitations.

WHEREFORE, it is respectfully requested that judgment
be granted dismissing this action together with costs and
disbursements and for such other and further relief as this
Court may deem just and proper.

ROBERT ABRAMS
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State of New York
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Verified by Kathleen Gill Miller, Esq.
Assistant Attorney General on June 14,
1979