

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-

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

Defendants.
-----x

S I R S:

PLEASE TAKE NOTICE that upon the annexed affidavit of GEORGE SASSOWER, Esq., duly sworn to on the 15th day of October, 1984; the affidavit of DORIS L. SASSOWER, Esq., duly sworn to on the 15th day of October, 1984; the unresponded to Notice to Admit, dated August 4, 1982; and upon all the pleadings and proceedings had heretofore herein, the undersigned will move this Court at a Special Term Part I of the Supreme Court of the State of New York, County of Westchester, 111 Grove Street, White Plains, New York, 10601, on the 2nd day of November, 1984, at 9:30 o'clock in the

forenoon of that day or as soon thereafter as Counsel may be heard for an Order granting summary judgment in favor of plaintiffs against the defendants, John P. Finnerty, Warden Regula, and Mastroianni, setting the matter down for an assessment of damages, for a severance, and granting summary judgment against it, together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

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

Dated: Brooklyn, New York
October 15, 1984

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for plaintiffs
2125 Mill Avenue,
Brooklyn, New York, 11234
(212) 444-3403

To: Reisman, Peirez, & Reisman, Esqs.
Robert Abrams, Esq.
Abrams & Sheidlower, Esqs.

SUPREME COURT OF THE STATE OF NEW YORK
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Defendants.

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"I have made that
absolutely clear to you.
That there was no case, no
authority, no anything to
justify what occurred
twice over in Surrogate's
Court" (Former Assistant
Suffolk County Attorney,
Erick F. Larsen, Esq.,
Examination Before Trial,
Sept. 18, 1984, p. 64)

STATE OF NEW YORK)
CITY OF NEW YORK) ss.:
COUNTY OF KINGS)

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

1. This affidavit is in support of plaintiffs' motion for summary judgment against the defendants, John P. Finnerty [hereinafter "Finnerty"], Warden Regula [hereinafter "Regula"], and Anthony Mastroianni [hereinafter "Mastroianni"], together with any other, further, and/or different relief as to this Court may be just and proper in the premises.

2a. Presently pending are motions for summary judgment by your deponent in the Supreme Court, New York County; United States District Court, Southern District of New York; and United States District Court, Eastern District of New York.

b. The attorneys representing the defendants Finnerty, Regula, and Mastroianni, in this action are the same as those representing the Suffolk County defendants in the deponent's actions heretofore mentioned in the other courts.

Consequently, the attorneys for the Suffolk County defendants in this action, have in their possession the documents mentioned herein and were present at the examinations before trial on which this motion is based.

3a. Although deponent has been clearly and resoundingly vindicated in multiple judicial forums, based essentially on the confessions and admissions of those responsible, deponent's innocence is essentially irrelevant to this action and motion, since deponent's family should not have been mistreated by the defendants because of any vendetta they or others had against him.

b. In a civilized society, retribution, even when justified, is directed towards the person, not his family.

4a. The Suffolk County defendants have stonewalled pre-trial disclosure for more than six (6) years. Finally in May of 1984, they, as a result of numerous judicial orders, were compelled to submit to such disclosure.

After submitting to some examinations before trial, the Suffolk County defendants, fully aware of the legal consequences (e.g., Exhibit "A"), refused to submit to further examinations before trial.

Thus, the answer of Anthony Grzymalski, one of the prime deputy sheriffs involved in this matter, has now been struck (Exhibit "A").

b. Nevertheless, the partial disclosures produced admissions entitling plaintiffs in this action to summary judgment.

5. An overview of the underlying transaction is as follows:

a. At full and fair judicial hearings, it was confessed and admitted by Ernest L. Signorelli [hereinafter "Signorelli"], Mastroianni, and Vincent G. Berger, Jr. [hereinafter "Berger"], and others, and found by the Court to be a fact, that prior to March of 1977, deponent was recognized by everyone, including Signorelli and the Surrogate's Court, Suffolk County, to be the (1) executor of the Estate of Eugene Paul Kelly; (2) "on the record", by Signorelli himself, deponent was "ordered" to enter into a contract of sale for the vacant, non-income producing house of the decedent, after he requested permission to do so; (3) deponent entered into such contract as "ordered" by the Signorelli, on behalf of his Court; and (4) thereafter, at the eve of closing, sua sponte, by a non-appealable directive, Signorelli, cancelled such contract, as being unauthorized.

b. At full and fair judicial hearings, it was confessed, admitted, and found, that "more than a year later, after paying additional taxes [and other expenses], [Mastroianni] sold the same house to the same party for the same price", with the permission and consent of Signorelli.

c. At full and fair judicial hearings, it was confessed, admitted, and found, that prior to June 22, 1977, deponent had complied or substantially complied with a direction of Signorelli that he turn over to Mastroianni, or those acting on his behalf, the necessary documents, papers, and other material desired of said Estate, and to the extent that delivery was not made [duplicate papers], the estate was not prejudiced thereby.

d. The findings of these full and fair hearings were unanimously confirmed by the Appellate Division, First Judicial Department.

e. On June 22, 1977, (1) without any accusation; (2) without any notice of a hearing or trial; deponent (3) was tried; (4) convicted; and (5) sentenced to be incarcerated in the Suffolk County Jail for thirty (30) days, all in absentia, by Signorelli, Surrogate of Suffolk County, acting jointly and in consort with defendant, Mastroianni, the Public Administrator, and Berger, the Attorney for Mastroianni, and formerly the campaign manager of Signorelli.

f. Signorelli, a graduate of law school, admitted to the bar in 1949, have a J.D. and LL.M., an Assistant District Attorney for about two years, a Special Sessions Judge for about three years, a Judge in the District Court for about five years, and a County Court Judge for about five years, had actual knowledge that the aforementioned conviction was illegal, void, and unconstitutional. On information and belief, he never contended otherwise.

g. On information and belief, Berger and Mastroianni also knew said procedures were illegal, void, and unconstitutional, and never claimed otherwise.

h. That same day, June 22, 1977, Signorelli personally telephoned defendant, Finnerty, Sheriff of Suffolk County and requested that the Warrant of Commitment against deponent be immediately executed in Westchester County, deponent held incommunicado, and brought to Signorelli.

i. Finnerty, personally directed, Sergeant Alan J. Croce [hereinafter "Croce"], to go to Surrogate's Court, pick up such Warrant, and immediately and personally execute same in Westchester County, giving him the aforementioned instructions under the unlawful arrangement made with Signorelli.

j. Defendant, Finnerty, in addition to being the Sheriff of Suffolk County, has a Master's Degree, is a professor of criminology, an adjunct professor at several universities in police administration, and was for a long period of time First Deputy Police Commissioner of Suffolk County. This defendant has an expert's knowledge of the history, duties, and affairs of his office, particularly of warrants.

k. Sergeant Investigator Croce, a college graduate with extensive training and experience in police work, was at the time in charge of the Internal Affairs Section of the Sheriff's Office of Suffolk County, whose duties include investigation of alleged violations by members of the department, of the rules of the department and state law. Croce also has an expert's knowledge of warrants.

l. At the time Signorelli, Berger, Finnerty, and Croce had actual knowledge that on its face the Warrant was irregular and unlawful, since it was a Warrant of Commitment, which required delivery of deponent to Signorelli, not to jail (Criminal Procedure Law §430.30).

m. Furthermore, while it purported to incarcerate deponent, after a conviction of a crime, the warrant on its face stated deponent was to be brought to "to answer for a contempt of this [Surrogate's] court whereof he stands charged".

n. Signorelli and Berger, specifically labelled the document a Warrant of Commitment, rather than a Warrant of Arrest, because, acting in concert with defendant, Finnerty, they had actual knowledge that if labelled a warrant of arrest, deponent would have had to be brought before a local magistrate (Criminal Procedure Law §120.90[3]).

o. The aforementioned conspirators also had actual knowledge that this entire in absentia conviction was manifestly void and unconstitutional, as appeared on the face of the Order and Warrant given to Croce, under which execution was made.

p. These conspirators also had actual knowledge that Finnerty and his deputies had no power to execute same in Westchester County.

q. These conspirators also had actual knowledge that the "incommunicado" instructions and requests made by Signorelli were also illegal and unconstitutional.

r. Early the next morning, June 23, 1977, before regular working hours, and upon the instructions of Finnerty, Croce and Grzymalski, another deputy sheriff of Suffolk County for Westchester County, to arrest deponent.

s. Croce and Grzymalski, by happenstance found deponent, alone, at home in Westchester; arrested him there; held him incommunicado [permitting him only to cancel a judicial engagement and obtain bank funds and his mail]; refused his several requests to present a hastily prepared writ of habeas corpus to federal and state jurists located nearby or on route; abducted deponent to Suffolk County; took him to Signorelli; held him incommunicado at the Courthouse; did not permit deponent to have his writ of habeas corpus presented and signed while waiting; did not permit deponent to use a nearby pay telephone at his own cost and expense; permitted him to be assaulted and insulted while under physical and legal restraint; permitted Signorelli to, embarrass and intimidate deponent; permitted Signorelli to attempt to deprive him of his 5th Amendment rights; and permitted Signorelli to deprive deponent of other fundamental rights, many of constitutional magnitude.

t. Before a Signorelli staged audience, Signorelli and his entourage expected deponent to humble himself, as it became a choice between 5th Amendment and habeas corpus rights or or jail. Deponent chose jail. Thereafter, in jail, deponent obtained his freedom under a writ of habeas corpus.

u. This entire staged "mock" criminal proceeding, was nothing but a pretext to satisfy some other desires of the Signorelli entourage, including the suppression of the aborted real estate transaction, they believing that by such forceful compulsion, deponent would capitulate and obey a megalomaniacal Signorelli, as the "Holy Father".

v. After about five (5) days of habeas corpus hearings in state court, the federal court [Hon. Jacob Mishler], although refusing federal intervention, made a gun-to-the-head statement, or that is the manner in which it was desired to be received (for it relieved the state jurist of intimidating pressure), the habeas corpus proceedings immediately terminated, and the state writ sustained, without prejudice to a new criminal contempt proceeding, if Signorelli or his Court were so advised.

w. A second criminal contempt proceeding [based upon the failure to perform, which was confessed to have been performed] was thereafter dismissed for technical reasons.

x. As a pretext for the service of legal papers on deponent [which he never did], Berger and Mastroianni retained Charles W. Brown, Jr. [Airborne Investigation and Protective Service, Inc.], a retired police officer of Suffolk County to harass, embarrass, and humiliate, not only deponent, but also his family.

With an "official looking" police badge, he would visit the areas wherein deponent or deponent's family resided and worked, "flash" his "official looking" badge, and in substance state that deponent was under investigation and make egregious statements and inquiries.

For such services, during the period of November 14, 1977 to December 30, 1977, Brown billed the defendant Mastroianni [to be paid from the estate], the sum of fourteen hundred ninety-five and 50/100 dollars (\$1,495.50) -- Exhibit "B".

If as Mastroianni testified, at his examination before trial, such services were to serve deponent legal papers, let him produce an affidavit of service and any evidence that deponent was not willing to accept service by mail!

In any event \$1,495.50 for the service of legal papers, even if made, was a patent attempt to deceive the court.

y. This Brown harrassment of deponent and his family was merely a part of a more general picture, as revealed by deponent's affidavit of January 27th, 1978, in support of his motion in the federal court to:

"stay [defendants] from harassing plaintiff [deponent] and those with whom he has business, professional and social engagements"

Deponent's aforementioned supporting affidavit of January 27th, 1978, reads partially as follows:

"In order to harass the plaintiff [deponent], 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.

That the defendant, VINCENT G. BERGER, JR., [whose activities were admittedly authorized by Mastroianni], has since such date, telephoned your deponent's wife on a number of occasions and made numerous threats to her as to your deponent, which has caused her to become emotionally concerned.

That on January 26th, 1978, the ... Berger telephoned your deponent's wife, and advised her that Signorelli had 'directed' her to appear before him that day [in Riverhead].

Here again the said 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. ...

That on January 25, 1978, Berger 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. "

It must be remembered that at this point deponent had not been convicted of anything!

z. As an direct result of said application and the argument made thereon, Signorelli was given the opportunity to voluntarily recuse himself, which he did.

In recusing himself, Signorelli, sua sponte, issued his infamous published diatribe, which decided nor ordered anything, nor was it intended to decide or order anything.

Although this published "diatribe" was mainly directed against your deponent, it was also critical of his wife, and sub silentio, Judge Mishler and a state Supreme Court jurist.

Each and every charge in such "diatribe" was proven to be false, contrived, and/or misleading -- at hearings where Signorelli and his lackeys were compelled to testify. Every charge went down "Titanic-style", of their own weight, without even an ice cube in sight!

The assertion that there was something before Signorelli to decide at the time he issued his diatribe is belied by the contents thereof and also the representation of his attorney in the federal court which preceded its issuance.

On February 3, 1978, Assistant Attorney General Emanuel M. Kay, Esq., after speaking to Signorelli stated:

"... that public accounting has been concluded ... the acts might be moot; that there is no present action before the Judge ..." [SM18]

aa. This third criminal contempt proceeding, now pended before Hon. Harry E. Seidell [hereinafter "Seidell"], a County Court, Suffolk County judge, as Acting Surrogate -- the named designee of Signorelli and to whom Signorelli had personally mailed a copy of his diatribe!

ab. In this proceeding, on the return date, unilaterally chosen by the Court, without any inquiry of deponent or regard for his convenience, deponent was actually engaged in the midst of a trial before Hon. Joseph DiFede, in Supreme Court, Bronx County, and mailed an affidavit of such engagement to the Surrogate's Court, immediately upon learning of the conflict and received by such court.

ac. In March, 1978, when Seidell, issued and delivered the second Warrant of Commitment against deponent, again for a thirty (30) day incarceration in the Suffolk County Jail, Seidell had actual knowledge of deponent's engagement, "in the midst of trial" in a superior court at the time.

ad. Deponent did nothing, absolutely nothing, which could be construed as an intentional waiver of his constitutional right to be present at such criminal proceeding in Suffolk County, and no one ever contended otherwise or that any such evidence exists.

ae. Upon learning of this second warrant outstanding, on March 17, 1978, once again deponent returned to Hon. Jacob Mishler.

af. On this third occasion, Hon. Jacob Mishler made it eminently clear (1) that he would not affirmatively interfere with a state quasi-criminal proceeding at that time, and (2) despite the official non-interference, His Honor's unofficial opinion that the criminal conviction was constitutionally infirm and strongly suggested that it be sua sponte cancelled and nullified.

ag. Obviously, at this point, deponent as a result of the first experience, had about every case and authority at hand regarding the bailiwick of the Suffolk County Sheriff, constitutional limitations on in absentia criminal contempt convictions, habeas corpus and other post-arrest rights, much of which he shared with the Suffolk County Assistant County Attorney, Erick P. Larsen, Esq. [hereinafter "Larsen"].

ah. The published statement, in the Signorelli sua sponte diatribe, notwithstanding, His Honor clearly indicated that if arrested or incarcerated, deponent would be entitled to habeas corpus relief, especially on a conviction taken in the absence of the deponent wherein he had no opportunity to "make a record".

ai. The portion of the aforementioned Signorelli "diatribe" to which Larsen showed Hon. Jacob Mishler at the time, stated:

"It is the contention of the undersigned [Signorelli] that the said Supreme Court Justice preempted the function of the Appellate Division in choosing to act as an appellate court and reviewing the [contempt] order of the Surrogate, a judge of coordinate jurisdiction."

aj. On information and belief, Larsen, at the time, accurately conveyed the "unofficial opinion" of Hon. Jacob Mishler to Howard Pachman, Esq. [hereinafter "Pachman"], Suffolk County Attorney, both of whom independently believed that Hon. Jacob Mishler's unofficial opinion regarding the invalidity of the criminal contempt proceeding was eminently correct.

ak. On information and belief, both Larsen and Pachman conveyed such legal opinions to Berger, Seidell, and Signorelli, all of whom also believed the opinion the unofficially expressed opinion concerning in the invalidity of the criminal contempt conviction to be correct.

al. On information and belief, Seidell, convinced the conviction a legal nullity, desired to cancel same, but the recused Signorelli stood fast, in not desiring such sua sponte cancellation.

am. On information and belief, it was the opinion of Signorelli, that as long as the federal court would not intervene and the state action pended in Suffolk County, deponent could and would be stonewalled.

an. On information and belief, the recused, Signorelli, persuaded Seidell, not to withdraw said Warrant and requested that defendant, Finnerty, by his deputies, to personally execute same, albeit beyond their jurisdictional bailiwick, both under common law and by statute.

ao. Throughout this period of time, Pachman, Larsen, and Finnerty subordinated their office and duties to the wishes and desires of Berger, Mastroianni, and Signorelli.

ap. Deponent upon hearing that Seidell would not withdraw, what everyone knew was a wholly infirm conviction, wrote Pachman, concluding with the statement (Exhibit "C"):

"If you desire to proceed [with the warrant of commitment issued by defendant, Harry E. Seidell], you or the Sheriff may telephone and I will make arrangements to be in Special Term in New York, Bronx, or Westchester at your desired time of arrest."
[emphasis supplied]

aq. Copies of said letter was sent to Hon. Jacob Mishler, Larsen and Finnerty, and were received by the aforementioned.

ar. During the immediate period that followed deponent was often in telephone communication with Larsen and Croce.

as. Deponent gave to Larsen, an extensive list of cases and authorities that the Sheriff of Suffolk County and his deputies could not come to Westchester County to make an arrest of the deponent.

at. Larsen, admittedly had no authority to the contrary. This proposition of law, defining the bailiwick of the Sheriff, was also known to the Pachman, Finnerty, Croce (see Moak v. Parker, 100 A.D.2d 647, 473 N.Y.S.2d 76, 77 [3d Dept.]), for ancient proposition restated).

au. At a subsequent full and fair hearing where the issue was extensively argued, deponent was sustained, to wit., the Sheriff and his deputies of Suffolk County had no authority to arrest under this Warrant of Commitment in Westchester County (Exhibit "D").

av. Except for the aforementioned statement in the Signorelli sua sponte "diatribe", which even Signorelli did not even believe, no one had any support for the Signorelli published assertion that in an in absentia conviction, deponent would not be entitled to habeas corpus relief.

aw. Repeatedly, ad nauseam to Larsen and Croce, deponent expressed his fears and apprehension that (1) a habeas corpus application might not be honored in Suffolk County by deponent, or on behalf of deponent; (2) deponent would not be bailed pending a hearing; and (3) generally deponent's civil rights would not be honored in Suffolk County.

ax. On information and belief, upon the express request of Berger, Mastroianni, and Signorelli, Pachman, Larsen, and Finnerty, with full knowledge of its unlawfulness, sent numerous deputy sheriffs into Westchester, New York, and Kings Counties, in all of which they had no authority or official jurisdiction.

ay. Furthermore, because of the pending litigation between deponent and the Sheriff, Finnerty, knew the Sheriff was jurisdictionally disqualified from acting as a Sheriff with respect to deponent (County Law §661). They knew or should have known that statutory disqualification in New York is jurisdictional (Ellentuck v. Klein, 570 F.2d 414 [2d Cir.]).

az. The deputy sheriffs disparaged and denigrated, not only deponent, in the neighborhood of his home, business, and places where people knew him, but also annoyed and humiliated deponent's wife and children, in this purported search for this "fugitive from justice", as Larsen testified was the view of the Sheriff's office.

ba. All during this period of time, at all times, deponent was voluntarily willing to surrender himself at Special Term in Westchester, New York, or Bronx Counties [where he could immediately obtain a writ of habeas corpus signed].

bc. John Dillinger style, the Suffolk Sheriff's Office was even considering surrounding the federal courthouse, and publicly arresting deponent, as he made his egress from such court, as Larsen admitted.

bd. It was, and still is, a legal practice that Sheriffs, either send or deliver warrants to local jurisdictions for execution, or "T.D.X" them, and when the prisoner is apprehended the originating jurisdictional Sheriff will transfer the prisoner to the original jurisdiction for incarceration, all of which is legal.

be. The plan was not to arrest to incarcerate, but to arrest and embarrass, humiliate, and denigrate.

bf. At tremendous public expense, at a time when deponent was willing to surrender voluntarily in Supreme Court, Westchester, New York, or Bronx County, the deputies of Finnerty were making numerous forays into Westchester, New York, and Kings Counties making inquiries concerning deponent, a "fugitive from justice", when they also knew the conviction was unconstitutional and void.

bg. On June 10, 1978, there was pending an actual proceeding in Supreme Court, Westchester County:

"restraining the Respondent [Finnerty], his servants, agents, and/or employees from entering any county outside of Suffolk County for the purpose of arresting Petitioner [plaintiff], prohibiting them from removing Petitioner [plaintiff] from the

county of his arrest or detention and/or restraining them from preventing Petitioner [plaintiff] from seeking a Writ of Habeas Corpus in the county of his arrest and detention and the District of Federal Court of such arrest and detention. ..."

bh. At about 7:15 AM, on Saturday, June 10, 1978, Deputy Sheriffs, Grzymalski and Morris, arrived at New Rochelle (Westchester County), New York. They, according to such records, apparently waited until 9:30 o'clock in the morning, when deponent was alone, seized and abducted him to the Suffolk County Jail.

bi. While these deputy sheriffs read deponent his "rights" they refused deponent the right to exercise those recited rights and many other fundamental rights, including obtaining the assistance of the local police.

bj. Annexed (Exhibit "D"), is the Sheriff's (orientated) version of the events from their records.

bk. As a result of deponent's attempt to obtain the attention of "local police", he was brutally treated, physically and mentally.

bl. As heretofore stated, the subsequent charges against deponent for assaulting Grzymalski, a purported police officer, were dismissed, since neither he nor Morris had police power or authority to arrest deponent in Westchester County.

bm. In Suffolk County Jail, the deponent was entitled to separate facilities because of the nature of the crime for which he was allegedly convicted (Correction Law §§500 a-c), instead they place him with murderers and hardened criminal psychopaths so that deponent's "accidental" death or serious personal injury was not a completely unintended result.

bn. In other respects and ways, deponent was deprived of basic constitutional and legal rights while incarcerated.

bo. Deponent's wife and child, learning of his plight, obtained a Writ of Habeas Corpus, signed by a Supreme Court Justice, who inserted in clearly handwritten language, that "pending determination" deponent was to be released "on his own recognizance"

bp. Arriving at the Suffolk County Jail that evening, before visiting hours had terminated, deponent's wife and child requested to see their husband/father. They were given various excuses until visiting hours were over.

bq. Thereupon, deponent's wife, an attorney, handed the deputy sheriff an attorney's business card, and stated she desired to see her client. Again she was met with various dilatory excuses.

br. Finally, deponent's wife, tendered the executed "writ of habeas corpus", with the result that both she and daughter were incarcerated without telephone, toilet facilities, food, or any other basic amenities.

bs. In the interim, deponent, now became concerned about the whereabouts of his wife and child, since their expected time of arrival was very much overdue, as he had been informed by another daughter that they had secured a writ of habeas corpus directing deponent's release, and were proceeding to the Suffolk County Jail.

bt. Repeated inquiries, only resulted in repeated false information regarding same, with the general contrived information by the deputy sheriffs employed by Finnerty, that they had not come, causing deponent to believe that they had met with an accident of a very serious nature. In fact all the time they were incarcerated, not charged with any crime, in the same facility. Similar misinformation was given to plaintiffs.

bu. When eventually, deponent learned that his wife and daughter had presented a writ of habeas corpus, directing his release, he demanded compliance and refused to be locked into his cell, resulting in a barrage of personal property to be constantly thrown at him and violent threats from other inmates on the cell block, as they expressed fear that they would be punished for deponent's refusal to be "locked-in", as they were overtly informed by the deputy sheriffs.

bv. These assaults and threats took place in the presence of the deputy sheriffs, who did nothing to alleviate the situation, on the contrary, there was passive encouragement.

bw. While this was all occurring, on this Saturday night, Finnerty, Croce, Grzymalski, Larsen and others, were called to the Suffolk County Jail.

bx. Although Finnerty, Croce, Grzymalski, and Larsen, all have been called and present that Saturday, evening at the Suffolk County Jail, and on information and belief, Pachman, Signorelli, and Seidell, communicated with upon service of such writ, all had actual knowledge of the ministerial legal obligation under such served writ, they all cooperated in the refusal to obey its mandate.

by. Instead, on information and belief, the
aforementioned, directly and/or indirectly communicated
with certain high judicial and other officials, who in
turn communicated with the jurist who executed the Writ
of Habeas Corpus, and improperly attempted to have said
jurist modify or revoke his executed writ which directed
deponent's release.

bz. On information and belief, in major part,
the refusal of Finnerty to obey the direction of the
writ of habeas corpus and release deponent was to afford
time to have the writ revoked and/or modified. The
incommunicado incarceration of deponent's wife and
daughter, was only to restrain them from revealing to
the proper authorities, including the jurist who signed
the writ, that His Honor's mandate was not being obeyed.

WHEREFORE, deponent joins in plaintiffs'
application for summary judgment herein.



GEORGE SASSOWER

Sworn to before me this
15h day of October, 1984

KENNETH SILVERMAN
Notary Public, State of New York
No. 24-4608988
Qualified in Kings County
Commission Expires March 30, 1985

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

DORIS L. SASSOWER and CAREY A. SASSOWER,
Plaintiffs,

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Defendants.

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

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

I am one of the plaintiffs in the within
action, and submit this affidavit in support of
plaintiffs' motion for summary judgment against the
defendants, John P. Finnerty, Warden Regula, and Anthony
Mastroianni, together with any other, further, and/or
different relief as to this Court may be just and proper
in the premises.

1a. The defendant, John P. Finnerty [hereinafter "Finnerty"] was and still is the Sheriff of Suffolk County.

b. On information and belief, the defendant, Warden Regula [hereinafter "Regula"], employed by Finnerty, was the Warden of Suffolk County Jail on and about June 10, 1978.

c. The defendant, Anthony Mastroianni [hereinafter "Mastroianni"] was and still is the Public Administrator of Suffolk County.

2a. George Sassower, Esq., was completely and resoundingly vindicated in multiple judicial forums, and while his innocence is essentially irrelevant to plaintiffs' causes of action, it does augment the nature of the outrage committed herein.

b. His probative affidavit of this date, sets forth the surrounding circumstances, as well as the relevant evidence in support of this motion.

3a. The liability of Mastroianni is based upon the actions of Charles W. Brown [Brown], Vincent G. Berger, Jr., Esq. [Berger], and/or the deputies of Finnerty.

b. Berger was the attorney for Mastroianni and authorized to act for him.

c. Mastroianni authorized Berger to retain Brown, who defamed, embarrassed, and harassed plaintiffs (and deponent's other children) under the pretext of serving Mr. Sassower with process, as appears in his affidavit.

d. Exhibit "B" is an invoice by Brown (Airborne Investigation and Protective Service, Inc.) for the sum of fourteen hundred ninety five and 50/100 dollars (\$1,495.50) -- for the purported service of legal papers, which were never served!

e. Furthermore, both Mastroianni and Berger harassed and threatened your deponent as appeared in Mr. Sassower's affidavit to the federal court on January 27, 1977.

f. Thereafter the defamation, embarrassment, and harrassment of plaintiffs was by the unlawful conduct of the deputies of Finnerty.

4a. On June 10, 1978, plaintiffs secured a writ of habeas corpus from Hon. ANTHONY J. FERRARO, which directed the release of Mr. Sassower on his own recognizance.

b. Upon arrival at the Suffolk County Jail, during the appropriate hours, plaintiffs requested to visit with their husband/father. Various frivolous excuses were tendered until visiting hours had terminated.

c. Thereupon, deponent tendered her business card, and requested to see her client. Again various dilatory excuses were tendered.

d. Finally, deponent served the aforementioned writ of habeas corpus, resulting in plaintiffs' incarceration without food, water, or toilet facilities for several hours.

5a. Exhibit "E" is plaintiffs' Notice to Admit wherein denial, if any, were due in February 1983.

b. On March 14, 1983, deponent wrote to the Suffolk County Attorney, as follows:

"With respect to the above matter, would you kindly, by return mail, advise me when I might expect to receive your Answers to the Notice to Admit dated August 4, 1982."

c. When the Suffolk County Attorney advised deponent that he could not locate his copy of said Notice to Admit, deponent sent him another copy on March 19, 1983, stating:

"In response to your letter of March 15, 1983, received today, I draw your attention to your Notice of Motion dated August 13, 1983, returnable September 2, 1983 (Index No. 3607-1979). Annexed to it is a copy of the document you seek.

I suggest your immediate attention to this matter, since additional time will only be accorded under exigent circumstances.

To obviate foreseeable objection, I also suggest that same be properly verified by person(s) having direct, personal knowledge of the facts."

d. On April 9, 1983, deponent wrote to the Suffolk County Attorney, as follows:

"My records indicate that you have failed to respond to my Notice to Admit, dated August 13, 1982, served almost eight months ago. You were previously reminded that it was due by my letters of March 14 and 19, 1983.

Under the circumstances, please be advised that the items in said Notice, as applicable to your clients, will be deemed judicially admitted facts for all further proceedings in this matter."

e. On April 12, 1983, deponent again wrote to the Suffolk County Attorney, as follows:

"Last night, my husband brought to my attention your letter of April 6, 1983, contained in an envelope bearing a post-mark of "PM 10 Apr 1983", and which was mailed to his attention.

I repeat, what has been stated on numerous occasions for the past eight months -- I intend to diligently and expeditiously prosecute this matter to conclusion.

Clearly, your office, as well as the Attorney General, are bent on a course of dilatory tactics.

In any event, as you have likewise previously been informed, I will not consent, absent exigent circumstances, to any delay.

You have been reminded and repeatedly told that your answers were due. Yet you have chosen to ignore your obligation and my reminders. Absent legal excuse, any proffer now will be rejected as untimely.

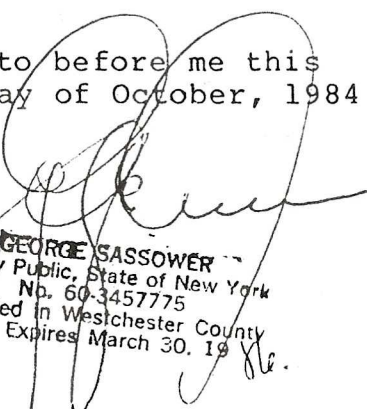
I cannot help noting that your clients have available official transportation and made a number of needless forays from Suffolk County to Westchester and New York counties in order to arrest my husband, notwithstanding he voluntarily agreed to submit himself at your convenience in the courthouse. Somehow, with the same official transportation available, they have found it difficult to travel within Suffolk County in order to verify answers to the Notice to Admit, at least between April 6, 1983 and April 10, 1983."

WHEREFORE, it is respectfully prayed that
this motion be granted in all respects, with costs.



DORIS L. SASSOWER

Sworn to before me this
15th day of October, 1984


GEORGE SASSOWER
Notary Public, State of New York
No. 60-3457775
Qualified in Westchester County
Term Expires March 30, 1986

at the Courthouse thereof, 60 Centre Street, New York, New York, 10007.

Present: Hon. IRA GAMMETERMAN Justice.

JAN 30 1984

IRA GAMMETERMAN
Sassow
— against —
Ignorelli

MINUTE BOOK

SERIALIZED PART I

JOURNAL

387

The following papers numbered 1 to.....read on this motion,.....

	PAPERS NUMBERED
No.....on Calendar of.....	
Notice of Motion - Order to Show Cause - and Affidavits Annexed.....	
Answering Affidavit.....	
Replying Affidavit.....	
.....Affidavit.....	
.....Affidavit.....	
Pleadings — Exhibit.....	
Stipulation — Referee's Report — Minutes.....	
Filed Papers.....	

Upon the foregoing papers this motion is granted and the answers of defendants Alan Croce and Anthony Grynalski are stricken without further order of the court unless those defendants appear for examination before trial at 10 AM on 2/1/84 at special term Part II. Defendant Croce & Grynalski advised by court of del. for EBT.

FILED
FEB - 1 1984
CO CLERK'S OFFICE
NEW YORK

Dated 1/24/84

By: Plaintiff's _____ Defendant's _____ Petitioner's _____ Respondent's _____ Relator's _____

By: _____ No. 574 19 83

Law Office

~~GEORGE SASSOWER~~

~~GEORGE SASSOWER~~

DEPT. OF EXBT AT

FOR I.D.

S.J.M. 6/4/84

25 Hydrogen Station New Rochelle N.Y. 10801

914/686-4000

212-962-5757

March 24, 1978

Howard E. Pachman, Esq.
County Attorney : Suffolk County
Veteran's Memorial Highway
Hauppauge, New York, 1178

Dear Mr. Pachman,

Thank you for your kind consideration in mailing me a copy of a letter that you mailed to the Sheriff of your County dated March 22, 1978, which came in an envelope bearing date of the 23rd inst., and received today.

Thank you for ruining a perfectly pleasant week-end!

Since your office has a copy of the Order of Commitment which on its fact states that such Order of Criminal Contempt was made after testimony was taken in my absence, you know for a fact that such Order and Warrant are jurisdictionally defective.

That was the specific holding of Mr. Justice GEORGE F.X. McINERNEY by his decision of July 28, 1977 and even were it not good law (which it is) you are bound by the Order entered thereon until reversed.

Your assistant, Erick F. Larsen, Esq., was shown the case of In re Oliver (333 U.S. 257) and has been given every courtesy by me in order to aid him in coming to a legally proper decision. I must confess some annoyance, that with all the courtesy that I have shown him in this respect he has not advised me of any applicable case sustaining the procedures of the Surrogate's Court in the instant situation, except one, which he later agreed was non-applicable.

I must assume that he found no case upholding the validity of such Order of Commitment.

In any event you must realize that you have absolutely no immunity in a criminal prosecution for violating my civil rights.

I further draw your attention to the statement in

Bradley v. Fisher (80 U.S. 335), wherein the Court stated:

"when the want of jurisdiction
is known ... no excuse is
permissible (p.352).

You may guide yourself accordingly in view of your potential civil and criminal liability and hope that in the event you still pursue your intended illegal course that you will advise your Sheriff that after my arrest he observe my civil rights to a punctilio, particularly my right to obtain a Writ of Habeas Corpus.

I did read this week the opinion of the Circuit Court of Appeals in Zarcone v. Perry, and wonder how long your citizenry will tolerate public expenditure of monies because of the gross constitutional violations of some of your judges (whether the monies come from the county or indirectly by way of insurance premiums makes no difference). Of course punitive damages comes out of the individuals own pocket I understand, which was also sustained by that Court.

In view of the aforementioned, I believe you should reconsider your course and follow the Constitutions of the United States and State of New York, thereby not only safeguarding my rights, but also minimizing the liability that would otherwise attach to the wrongful judicial conduct which itself will be judged at a later date.

Your letter makes reference to another letter of March 9, 1978, (which I do not have) but it seems that you have turned over the enforcement vel non of the criminal law to Mr. Anthony Mastroianni and Vincent G. Berger, Esq., which is rather interesting, particularly since they and your office have been using the enforcement of a criminal conviction in the desire to negotiate with me, a matter which should be examined by your District Attorney.

In the Winter of 1944 I was in the Ardennes of Belgium, and if I may adopt the response of the 101st to the offer to surrender, it is "nuts".

Less than one mile from where I was arrested last June there is a sign indicating the birthplace of "The Bill of Rights". I have no intention of making it the burial ground of those very rights.

I assume that you have also advised the Sheriff of his potential personal liability, which he should know from the Zarcone verdict.

If you desire to proceed, you or the Sheriff may

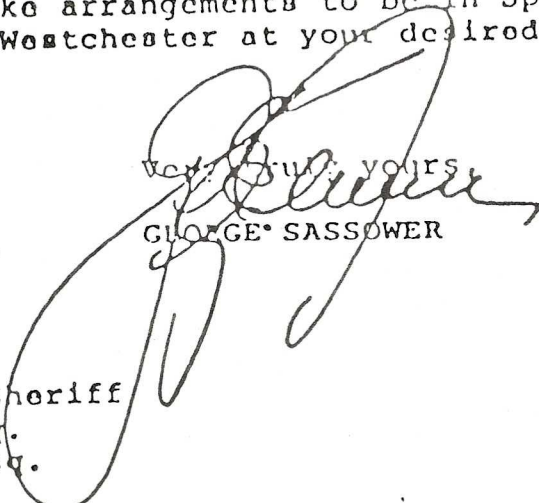
Howard E. Pachman, Esq.

-3-

March 24, 1978.

telephone and I will make arrangements to be in Special Term
in New York, Bronx, or Westchester at your desired time of
arrest.

Very truly yours,


GEORGE SASSOWER

GS/bh

cc: Hon. Jacob Mishler
John P. Finnerty, Sheriff
Emanuel M. Kay, Esq.
Erick F. Larson, Esq.

CITY COURT OF NEW ROCHELLE
COUNTY OF WESTCHESTER

THE PEOPLE, ETC.
against

vs. :

DOCKET NO. 371/78

GEORGE SASSOWER

The above named GEORGE SASSOWER having been brought before me as Judge of the City Court of the City of New Rochelle, in said county, charged with ASSAULT SECOND DEGREE and having been arraigned on said charge and having thereupon pleaded ~~NOT GUILTY~~ and having demanded a trial before this Court and having thereupon been duly tried and ~~DISMISSED~~
CASE RECORD NOT CERTIFIED TO GRAND JURY
DEFENDANT DISCHARGED. DISMISSED AFTER HEARING

Dated at the City of New Rochelle, this 18th day of October 19 78

THOMAS J. O'TOOLE

(Acting) City Judge of New Rochelle

County of Westchester, }
City of New Rochelle, } vs. :

I certify that I have compared the foregoing with the original certificate made and signed by me and that the same is a correct copy thereof and transcript therefrom and of the whole thereof.

Witness my hand this 2nd day of Nov. 19 78

Sec. 721, C.C.P.

[Signature]
Deputy Chief

[Signature]
Clerk of the City Court

Exhibit "D"

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-

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

Defendants.
-----x

S I R S:

PLEASE TAKE NOTICE, that pursuant to CPLR
§3123 the respective applicable parties are requested to
furnish to the undersigned, within twenty (20) days from
service hereof written admissions, under oath, as to the
following facts and document:

1. The defendant, Ernest L. Signorelli, saw the
complaint in this action and the answer interposed on
his behalf on or prior to June 14, 1979 and approved of
same.

2. Since June 14, 1979, Ernest L. Signorelli has
not requested in writing that his attorney amend the
answer on his behalf.

3. The defendants, John P. Finnerty, Warden Regula, and Anthony Mastroianni, each saw the complaint in this action and the answer interposed on their behalf on or prior to May 23, 1979, and approved of same.

4. Since May 23, 1979, neither John P. Finnerty, Warden Regula, nor Anthony Mastroianni have requested in writing that their attorney amend their answer.

5. Within one week after March 24, 1978, Howard E. Pachman, Esq., former Suffolk County Attorney, defendant, John P. Finnerty, Emanuel M. Kay, Esq. [former Assistant Attorney General], and Erick F. Larsen, Esq., received the letter from George Sassower, Esq., dated March 24, 1978, a copy of which is annexed hereto marked Exhibit "A".

6. Erick F. Larsen, Esq., was shown the case of In re Oliver (333 U.S. 257), in the library of the United States District Court for the Eastern District of New York.

7. Subsequent to such appearance by Erick F. Larsen, Esq., at the United States District Court for the Eastern District of New York wherein he was shown In re Oliver, and prior to March 22, 1978, he, Howard E. Pachman, Esq., or someone on their behalf spoke to and/or wrote to Ernest L. Signorelli or someone on his behalf with respect to the Warrant of Commitment outstanding against George Sassower, Esq. and/or other matters related to George Sassower, Esq.

8. Subsequent to such appearance at the United States District Court for the Eastern District of New York by Erick F. Larsen, Esq., wherein he was shown In re Oliver, and March 22, 1978, the defendant Ernest L. Signorelli or someone on his behalf, expressed his opinion and/or desires to Howard E. Pachman, Esq., Erick F. Larsen, Esq., John P. Finnerty and/or someone on their behalf, with respect to George Sassower, Esq.

9. Subsequent to the receipt of the letter of March 24, 1978 (Exhibit "A"), a copy of same was forwarded to Ernest L. Signorelli by Howard E. Pachman, Esq., Erick F. Larsen, Esq., or someone on their behalf or they spoke to Ernest L. Signorelli or someone on his behalf with respect to same.

10. Subsequent to the receipt of the letter of March 24, 1978 (Exhibit "A") and June 10, 1978, Howard E. Pachman, Esq., Erick Larsen, Esq., John P. Finnerty, and/or someone on their behalf spoke to or received a communication from or on behalf of Ernest L. Signorelli expressing the opinion and/or desires of Ernest L. Signorelli.

11. Between March 8, 1978 and June 10, 1978, John P. Finnerty, Howard E. Pachman, Esq., and/or Erick F. Larsen, Esq., or persons acting on their behalf spoke to and/or communicated with Ernest L. Signorelli or persons acting on his behalf with respect to the efforts to arrest George Sassower, Esq.

12. Between March 8, 1978 and June 10, 1978, John P. Finnerty, Howard E. Pachman, Esq., and/or Erick F. Larsen, Esq., or persons acting on their behalf spoke to and/or communicated with Ernest L. Signorelli or persons acting on his behalf, wherein there was conveyed by Ernest L. Signorelli or those acting in his behalf the opinion and/or desires of Ernest L. Signorelli.

13. On June 10, 1978, Ernest L. Signorelli was informed by John P. Finnerty, Howard E. Pachman, Esq., and/or Erick F. Larsen, Esq., and/or persons acting on their behalf that George Sassower, Esq. had been arrested.

14. On June 10, 1978, Ernest L. Signorelli or someone on his behalf was informed by John P. Finnerty, Howard E. Pachman, Esq., and/or Erick F. Larsen, Esq., and/or persons acting ~~on their~~ behalf that a Writ of Habeas Corpus had been served directing the release of George Sassower, Esq.

15. On June 10, 1978, Ernest L. Signorelli or someone on his behalf communicated with Presiding Justice Milton Mollen or someone on his behalf with respect to the Writ of Habeas Corpus that had been served with respect to George Sassower, Esq.

16. On June 10, 1978, Ernest L. Signorelli or someone on his behalf was advised that Presiding Justice Milton Mollen had communicated with Supreme Court Justice Anthony J. Ferraro with respect to such Writ issued for the release of George Sassower, Esq.

17. At the time that communication was made by or on behalf of Ernest L. Signorelli to Presiding Justice Milton Mollen, Presiding Justice Milton Mollen was not advised that George Sassower, Esq., had been tried, convicted, and sentenced in absentia.

18. At the time that communication was made on or behalf of Ernest L. Signorelli to Presiding Justice Milton Mollen, the Presiding Justice was not informed that plaintiffs had been incarcerated.

19. At no time prior to June 24, 1982, did any of the defendants or their attorneys express the opinion that Hon. Anthony J. Ferraro was "illiterate".

20. Prior to March 4, 1979, the defendant, Ernest L. Signorelli, did not have any written evidence, or evidence made upon the record of the Surrogate's Court, Suffolk County, or any other court to the effect that plaintiff, Doris L. Sassower, Esq., had "refused to identify the case or the particular department of the Appellate Division" that George Sassower, Esq. was engaged.

21. Prior to February 24, 1979, the defendant, Ernest L. Signorelli, had not been informed that plaintiff, Doris L. Sassower, Esq., had "refused" to give such information.

27. On February 24, 1979, the defendant, Ernest L. Signorelli (a) knew that Doris L. Sassower, Esq., had asserted that on June 22, 1976, she was actually engaged on other matters in Westchester County, and (b) on such date, Ernest L. Signorelli had no evidence to the contrary.

28. On February 24, 1979, the defendant, Ernest L. Signorelli knew that most, if not all, the requested adjournments between September 21, 1976 and March 2, 1977 were at the instance and request of parties or attorneys other than (a) George Sassower, Esq. or (b) Doris L. Sassower, Esq.

29. With respect to the Kelly estate, at no time did the defendant, Ernest L. Signorelli request the appearance of both attorney and client, except for George Sassower, Esq. and his purported attorney.

30. With respect to the Kelly estate, at no time, did the defendant, Ernest L. Signorelli, except by pro forma notice, specifically inform all attorneys and parties in this matter, that the appearance of the party and the attorney were both necessary.

31. Except on July 6, 1976 the defendant, Ernest L. Signorelli, never orally requested of either George Sassower, Esq. or Doris L. Sassower, Esq. that the attendance of both were necessary.

32. Defendant, Ernest L. Signorelli, read and knew the contents of his February 24, 1979 "decision" before it was signed by him.

33. On February 24, 1979, the defendant, Ernest L. Signorelli knew or had reason to believe that everything from his Court entitled a "decision" would be published by the New York Law Journal.

34. On February 24, 1979, the defendant, Ernest L. Signorelli, was familiar with the provisions of Judiciary Law §90(10) relating to the requirements of confidentiality of complaints against attorneys.

35. On or prior to February 24, 1979, the defendant had read and was familiar with Matter of Haas (33 A.D.2d 1, 304 N.Y.S.2d 930).

36. On or immediately prior to the issuance of the February 24, 1979 "decision", it was read by other attorneys employed by the Surrogate's Court, Suffolk County.

37. On February 24, 1979, the defendant, Ernest L. Signorelli, knew that such "decision" had not been made with prior notice to plaintiff, Doris L. Sassower, Esq.

38. On February 24, 1979, the defendant, Ernest L. Signorelli, knew that Doris L. Signorelli had not been given an opportunity to dispute the material contained in such "decision".

39. On February 24, 1979, the defendant, Ernest L. Signorelli, knew that Doris L. Sassower, Esq., had withdrawn as attorney for the executor of the Kelly estate, and that such withdrawal had been accepted by all other parties and the Surrogate's Court, Suffolk County without objection.

40. Prior to February 24, 1979, the defendant, Ernest L. Signorelli had never met or spoken to Doris L. Sassower, Esq.

41. Prior to February 24, 1979, the defendant, Ernest L. Signorelli never had any matter involving plaintiff, Doris L. Sassower, Esq., except for the Kelly estate.

42. On and prior to February 24, 1979, there was a negative relationship between defendant, Ernest L. Signorelli and George Sassower, Esq.

43. The only reason for including plaintiff, Doris L. Sassower, Esq., in the "decision" of February 24, 1979, in a perjorative manner, was because she was the wife of or associated with George Sassower, Esq.

-Dated: White Plains, New York
August 4, 1982

Yours, etc.,

DORIS L. SASSOWER, Esq.
Attorney for plaintiffs
283 Soundview Avenue,
White Plains, N.Y. 10606
914-997-1677

To: Robert Abrams, Esq.
David J. Gilmartin, Esq.
Abrams & Sheidlower, Esqs.