

9/4/86

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x
DORIS L. SASSOWER and CAREY A. SASSOWER,

Plaintiffs,

- against _

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

Defendants.
-----x

NOTICE OF
APPEAL

Index No.
3607/79

S I R S :

PLEASE TAKE NOTICE that Plaintiff, Doris L. Sassower, hereby appeals to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, from the Order of the Supreme Court of the State of New York, County of Westchester, dated and entered August 5, 1986, and from each and every part thereof.

Dated: White Plains, New York
September 4, 1986

Yours, etc.

DORIS L. SASSOWER, P.C.
Attorney for Plaintiff
Doris L. Sassower
50 Main Street
White Plains, N.Y. 10606
(914) 682-2001

TO: REISMAN, PEIREZ, REISMAN & CALICA
Attorneys for Defendants Finnerty,
Regula & Mastroianni

Delete inappropriate italicised words. Attach copy of the notice of appeal.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND DEPARTMENT

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

— against —

ERNEST L. SIGNORELLI, JOHN P. FINNERTY,
WARDEN REGULA, ANTHONY MASTROIANNI
and NEW YORK LAW JOURNAL PUBL. CO.,
Defendants-Respondents.

Index No. 3607/79

CIVIL APPEAL
PRE-ARGUMENT STATEMENT

Appeal taken from Supreme Court

County of Westchester
Judge Alvin R. RUSKIN
Date of entry of the judgment-order

August 5, 19 86
Notice of appeal filed September , 19 86

Full name of parties: As above

Changes in parties: None

Name of Counsel	Address	Telephone
For Appellant Doris L. Sassower		
Doris L. Sassower, P.C.	50 Main Street White Plains, N.Y. 10606	(914) 682-2001
For Respondent		
Reisman, Peirez, Reisman & Calica	1301 Franklin Avenue Garden City, N.Y. 11530	(516) 746-7799

Method of disposition in trial court:

- Judgment after *Court-Jury* trial
 - Damages *granted denied*: Amount \$.....
 - Article 78 proceeding:
 - Appeal from order: (short description of order)
- granting summary judgment

Brief description of nature of cause of action or special proceeding

(contract, personal services, sale of goods, etc.; tort-personal injury, automobile, sidewalk accident, etc.; equity, specific performance, injunction, etc.):

tort- personal injury

State briefly result below: summary judgment granted on pleadings

State whether any related action or proceeding is now pending in any court in this or any other jurisdiction, and if so, the status thereof: None pending

State briefly grounds for seeking reversal, annulment or modification:

Summary judgment was not warranted as a matter of law and fact

Issues proposed to be raised on appeal:

Propriety of granting summary judgment on basis of pleadings alone, and finding as a matter of law that acts alleged in pleadings were discretionary acts of state employees as opposed to ministerial acts.

Attach a copy of the opinion, if any, or if applicable a short form order which contains a memorandum. State whether there is any additional appeal pending in the same action. If so, date of entry of the order or judgment Attach a copy of the notice of appeal and the preargument statement.

Second Department appeals require the following information:

- I, attorney for appellant, hereby certify that satisfactory arrangements have been made with the court reporter for payment of the cost of the transcript.
- I have already ordered the transcript to be prepared; OR other arrangements have been made in accordance with the order of Justice dated 19
- The appeal is taken from an order where there were no minutes taken.

Dated September 4, 19 86

Doris L. Sassower
 COUNSEL FOR APPELLANT Doris Sassower
 DORIS L. SASSOWER, P.C.

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF

Pre-Argument Statement

Docket or Index No.

DORIS L. SASSOWER and CAREY A. SASSOWER

Plaintiff

vs.

ERNEST L. SIGNORELLI, JOHN P. FINNERTY,
 WARDEN REGULA, ANTHONY MASTOIANNI and
 THE NEW YORK LAW JOURNAL PUBLISHING CO.
Defendant

DORIS L. SASSOWER, P.C.

Attorney(s) for Plaintiff Doris Sassower
Post Office Address & Tel. No.

50 Main Street
White Plains, N.Y. 10606
(914) 682-2001

Service of a pre-argument statement of which the within is a copy admitted on

19

State of New York, County of ss.:
 being duly sworn, deposes and says; that deponent is not a party to the action, is over 18 years of age and resides at

That on 19 deponent served the within paper on

attorney(s) for herein, at the attorney(s) office at during the attorney(s) absence from said office
 strike out either (a) or (b)

- (a) by then and there leaving a true copy with a person having charge of said office.
- (b) and said office being closed, by depositing a true copy enclosed in a sealed wrapper directed to said attorney(s), in the office letter drop or box.

Sworn to before me, on 19

Attorney(s) for Respondent
 State of New York, County of Westchester ss.:
 being duly sworn, deposes and says; that deponent is not a party to the action, is over 18 years of age and resides at
 Muriel Gordon
 Yonkers, N.Y.

That on September, 19 86 deponent served the within paper on Reisman, Peirez, Reisman & Calica

attorney(s) for Respondents Finnerty, Regula and Mastoianni at 1301 Franklin Ave, Garden City, N.Y. the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States Postal Service within New York State.

Sworn to before me, on September, 19 86

Barton D. Eaton
 BARTON D. EATON
 Notary Public, State of New York
 No. 60-4000693
 Qualified in Westchester County
 Commission Expires March 30, 1987

Index No. 3607/79 Year 19
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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

- against -

ERNEST L. SIGMORELLI, JOHN P. FINNERTY,
WARDEN REGULA, ANTHONY MASTROIANNI and
THE NEW YORK LAW JOURNAL PUBLISHING CO.,
Defendants.

NOTICE OF APPEAL AND PREARGUMENT STATEMENT

DORIS L. SASSOWER, P.C.
Attorney for Plaintiff Doris L. Sassower
Office and Post Office Address, Telephone
50 MAIN STREET • TENTH FLOOR
WHITE PLAINS, N. Y. 10606
(914) 682-2001

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....
Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

19 at M.

Dated,

Yours, etc.

DORIS L. SASSOWER, P.C.