

Ret 7/16
Judge Rusken

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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

SUR REPLY
AFFIDAVIT

- against -

Index No.
3607-1979

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

Defendants.

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

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

1. This sur-reply affidavit is submitted to respond
only briefly to the gross distortions of several key points
- contained in the so-called "Reply" affidavit of Mr.

Calica. I say "Reply" in quotes, because that affidavit
contains new material which (if true) should clearly have
been included in the first papers filed on this motion.

2. Mr. Calica repeats his prior completely
unsubstantiated assertion that this action contains the
"same" claims George Sassower individually asserted in some
other actions that neither I nor Carey Sassower participated
in at all. And, since my prior summary judgment motion used
some materials George Sassower got on his own case, that

therefore translates (in Mr. Calica's mind) to "shared control" by me in that other case - an utterly nonsensical proposition.

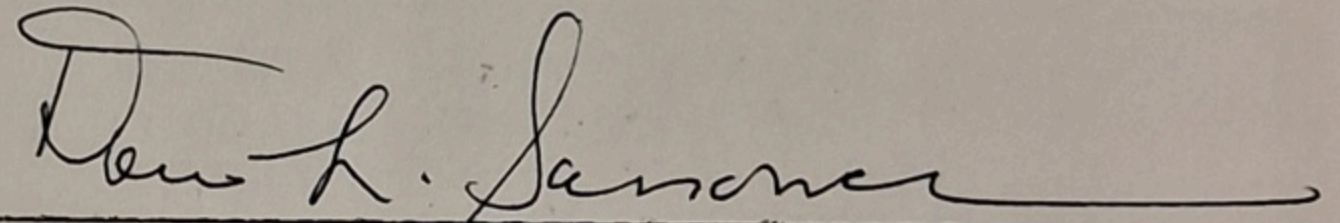
3. Next, (his ¶3) Mr. Calica states that my blanket assertion of neither I nor Carey Sassower "sharing control" with George Sassower in his own cases is "unsupported", and therefore is insufficient to withstand summary judgment against the alleged documentary evidence showing such "shared control" by me and Carey Sassower. First, it is necessary for Mr. Calica to show "shared control", and then I must refute whatever he produces to demonstrate that; he simply cannot assert the proposition without any proof at all, and then fault me for not refuting his so-called "proof" in detail. And, his so-called documentary proof indicates nothing at all by way of "shared control" in George Sassower's cases by me and Carey Sassower.

4. As to a certain Federal Court action that indeed did involve most of the same parties, that also was from 1979, and was dismissed in Federal Court: Mr. Calica coyly left out this action from his initial parties and coyly avoided revealing just why that Federal Court matter was dismissed. As Exhibit "A" hereto shows, it was dismissed due to improper venue in 1979, not on the merits. Thereafter, that action was not pursued by me and Carey Sassower except insofar as this 1979 action contains some of the same claims against some of the same parties.

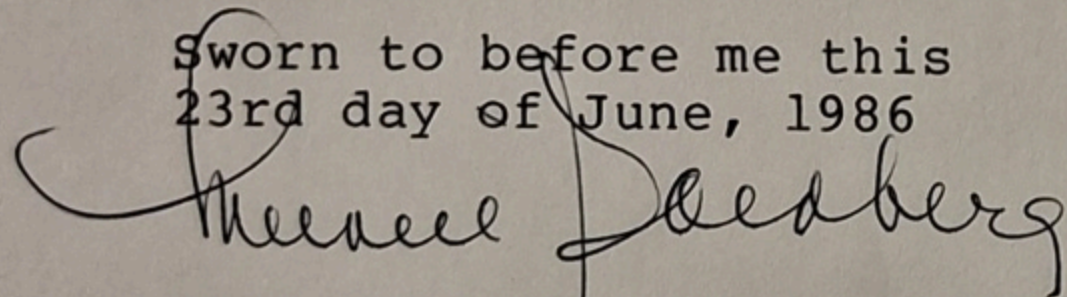
5. Mr. Calica's "immunity" arguments are addressed in my earlier affidavit on this motion and disposed of by the simple fact that the claims in this case are not based on discretionary official acts.

6. As to the deposition transcripts sought: I cannot so easily get these from my prior attorney (and former husband), with whom I have numerous problems - including post-divorce litigation. Hence I merely ask access to the 500 page deposition for copying - hardly a large imposition on defendants.

WHEREFORE, it is respectfully prayed that the motion be denied in toto.


DORIS L. SASSOWER

Sworn to before me this
23rd day of June, 1986



MURIEL GOLDBERG
Notary Public, State of New York
No. 60-4518474 Westchester County
Commission Expires March 30, 1987