

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

-----X
In the Matter of the
Application of

GEORGE SASSOWER,

For an Order rejecting the Memorandum
submitted by and on behalf of ERNEST L.
SIGNORELLI, and any and all similar
documents that might be submitted in
this matter.

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

Plaintiffs,

-against-

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

Defendants.

-----X
Upon the annexed affidavit of GEORGE SASSOWER,
Esq., duly sworn to on the 8th day of November, 1982,
and all the pleadings and proceedings had heretofore
herein let Hon. MATTHEW F. COPPOLA and Hon. ALBERT M.
ROSENBLATT show cause before this Court at a Stated Term
of this Court held at the Appellate Division of the
Supreme Court of the State of New York, Second Judicial
Department, at the Courthouse thereof, 45 Monroe Place,

Brooklyn, New York, 11201, on the 17th day of November, 1982, at 9:30 o'clock in the forenoon of that day or as soon thereafter as Counsel may be heard why an Order should not be entered (1) mandating Hon. MATTHEW F. COPPOLA to expeditiously render decisions on the motions argued and submitted to His Honor on September 2, 1982; (2) restraining Hon. ALBERT M. ROSENBLATT from referring the motions submitted to His Honor, on October 29, 1982, to Hon. MATTHEW F. COPPOLA without the written consent of all the attorneys involved in the September 2, 1982 motions; (3) restraining the Attorney General, the Suffolk County Attorney, and their clients from republishing the sua sponte diatribe of ERNEST L. SIGNORELLI dated February 24, 1978, except by the Order of this Court, on notice; (4) disqualifying the Attorney General from representing all or some of his clients in actions and proceedings involving petitioner; (5) together with any, other, and/or further relief as this Court may seem just and proper in the premises.

SUFFICIENT cause having been shown, let a copy of this Order together with the papers upon which it is based be served on Hon. MATTHEW F. COPPOLA, HON. ALBERT M. ROSENBLATT, the Attorney General, and all other attorneys for the parties herein by certified mail on or before the 10TH day of November, 1982, be deemed good and sufficient service.

E N T E R

12/ ISAAC RUBIN
Associate Justice
Appellate Division, Second
Judicial Department

(DATE): November 9, 1982.

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

-----x
In the Matter of the
Application of

GEORGE SASSOWER,

For an Order rejecting the Memorandum
submitted by and on behalf of ERNEST L.
SIGNORELLI, and any and all similar
documents that might be submitted in
this matter.

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

-against-

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

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

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

This affidavit is in support of an Order to
Show Cause (1) mandating Hon. MATTHEW F. COPPOLA to
expeditiously render a decision on the motions argued
and submitted to His Honor on September 2, 1982; (2)

restraining Hon. ALBERT M. ROSENBLATT from referring the motions submitted to His Honor, on October 29, 1982, to Hon. MATTHEW F. COPPOLA without the written consent of all the attorneys involved in the September 2, 1982 motions; (3) restraining the Attorney General, the Suffolk County Attorney, and their clients from republishing the sua sponte diatribe of ERNEST L. SIGNORELLI dated February 24, 1978, except by the Order of this Court; (4) disqualifying the Attorney General from representing all or some of his clients in actions and proceedings involving petitioner; (5) together with any, other, and/or further relief as this Court may seem just and proper in the premises.

This is a unique, of necessity, multifurcated case, presently being litigated in a number of courts. Only a brief overview can reasonably be set forth herein.

IA. On September 2, 1982, several motions, primarily involving my wife and daughter, were argued and submitted to Hon. MATTHEW F. COPPOLA. Although more than sixty days have elapsed, no decision has been rendered or filed (CPLR §4213[c]). This jurisdictional statement is not intended as criticism of His Honor,

since your deponent recognizes that there are a number of novel and complex legal issues which properly require substantial time, study, and deliberation.

Had not other prejudicial factors arisen since such submission on September 2, 1982, the relief requested by this aspect of this motion would never have been requested.

It is the misconduct of the Office of the Attorney General which compels expeditious determination of the motions before Hon. MATTHEW F. COPPOLA.

The pivotal motion before His Honor is one by my wife and daughter to strike all the defenses of the defendants and for summary judgment.

This "1979 action" is based upon (1) their 1978 incommunicado incarceration by Suffolk County officials in the County Jail, without any legal proceedings, for merely serving a Writ of Habeas Corpus directing my release; (2) defamation and violation of my wife's statutory right of privacy (Judiciary Law §90[10]) by extensive overpublication of the Signorelli disciplinary complaint in the press; and (3) pre-1979 harrassment. Obviously, because of the short statute of limitations, this action could not await until other causes of action legally matured.

Deponent is not a party in that action. Whether I be "saint or sinner, moral or amoral", the defendants clearly had no right to incarcerate members of my family for serving a Writ of Habeas Corpus or to defame, harass, or otherwise interfere with their legally protected interests. The Suffolk official pretext that the Westchester Supreme Court Justice who signed the Writ was "illiterate" and like excuses for their misconduct, are manifestly absurd. Obviously their conduct was motivated by a desire to prevent my wife and daughter from communicating the fact that they were disobeying the Writ, by refusing to release me.

Nevertheless, an Assistant Attorney General, fully aware that my conduct was legally irrelevant to defendants egregious actions against members of my family, and a third party therein, republished the Signorelli diatribe and otherwise disparaged me in a "Memorandum". I thereupon moved, as the title indicates, to have the court reject such material, and thereafter moved to seal the record. This, as well as, a number of other motions, whose details are not presently pertinent, were submitted to Judge COPPOLA that day and are all sub judice.

B. Upon vindication of the Signorelli inspired disciplinary proceedings and his overpublished disciplinary complaint in the New York Law Journal which was a compelling force to the institution of such proceedings, the disclosure of the destruction or secretion of judicial records by Signorelli and/or his court, my wife and I commenced a "1982 action" against him for damages based upon, inter alia, such prejudicial misconduct and malicious prosecution [which would have been absolutely privileged had Signorelli not made his complaint through the press].

Since these causes of action in the "1982 action" arose upon post-1979 vindication, it could not have been included in the "1979 action".

Nor did plaintiffs believe that a motion to amend the "1979 action" to include the later maturing causes of action appropriate, since the prior action warranted summary treatment, while the latter presented triable issues of fact. Furthermore, on both sides, there was a non-identity of parties.

C. An "equitable proceeding" was commenced in Supreme Court, Nassau County in order to adjudicate the legal status of the Signorelli diatribe (Matter of Haas, 33 A.D.2d 1, 304 N.Y.S.2d 930 [4th Dept.], app. dis. 26 N.Y.2d 646, 307 N.Y.S.2d 671), and to remedy the continual injury caused deponent by the destruction of public judicial records. Based upon my cross-motion this proceeding, which had to be commenced in the Tenth Judicial District, was transferred to Westchester County.

In both the "1982 action" and "equitable proceeding" the Attorney General made CPLR 3211(a) motions, without requesting conversion pursuant to CPLR 3211(c).

Nevertheless, despite its irrelevance on the Attorney General's CPLR 3211(a) motion, he either republished the Signorelli diatribe in haec verba or republished the "Memorandum" submitted to Mr. Justice COPPOLA, which was then and is now, sub judice, on an application to reject or seal.

On September 2, 1982, when the motions were argued and submitted to Mr. Justice COPPOLA, I did not, nor, do I believe Judge COPPOLA, conceived that the Attorney General would have the audacity and arrogance to elsewhere republish material while there was pending, sub judice, a motion to reject and/or seal.

Additionally, it seemed clear, as I contended, that pursuant to Judiciary Law 90[10], even Judge COPPOLA, could not authorize publication, republication, or disclosure of the Signorelli complaint by the Attorney General or anyone else. The exclusive authority for disclosure is with the Appellate Division, as recently confirmed by an Order of Mr. Justice GEORGE BEISHEIM, JR.

Making the conduct of the Attorney General vile and reprehensible, as well as illegal, is that his office, as will hereinafter be shown, knew at the time of submission that the Signorelli diatribe was false, fabricated, and misleading from beginning to end; his office knew that we have been fully and completely vindicated of the charges contained therein; and that his office refused or failed to plead truth or good faith as a defense in the defamation action based upon such overpublished diatribe. The Attorney General

submitted this diatribe and/or a description of its contents, as a pronouncement ex cathedra, without any exculpatory explanation. The actions of the Attorney General's Office constitute not only actionable defamation, but an outrage to a civilized professional society.

Compounding the aforementioned manifest unfairness and duplicity, the Grievance Committee (another client of the Attorney General) had, sua sponte, opened another complaint against deponent for truthfully revealing in pertinent judicial proceedings some of the details of the massacre -- and it was a massacre -- of the disciplinary complainants who testified against me.

At a judicial showdown which I initiated at the Appellate Division, First Department, the Grievance Committee, backed down on these particular disclosures. It nevertheless still maintains that I am unauthorized to divulge my vindication or the details of same. It is one of the issues presently in a "federal action".

In short, it is the warped reasoning of the Attorney General's clients that the contrived charges of my misconduct may be freely disclosed and circulated by them while my vindication must remain a dark secret.

D. The aforementioned republication of the Signorelli diatribe in motions in the "1979 action", violative of the rights of a third party, compelled me to file a Notice of Claim (Wells v. Rubin, 280 N.Y. 233; Moore v. Manufacturers, 123 N.Y. 420, Battu v. Smoot, 211 A.D.2d 1011, 206 N.Y. Supp. 780; Rusciano v. Mihalfyfi, 165 Misc. Rep. 932, 1 N.Y.S.2d 787; Anonymous v. Trenkman, 48 F.2d 571 [2d Cir.]; Union v. Thomas, 83 Fed 803 [9th Cir.]; Laun v. Union, 350 Mo. 572, 166 SW2d 1065), which, by law, must be filed during an abbreviated time in the Court of Claims.

Once more, in the Court of Claims, in a CPLR 3211(a) motion, where conversion was not requested, the Attorney General has attempted to improperly inflame and influence that tribunal, by submitting a copy of the Signorelli published diatribe.

E. In the United States District Court for the Southern District of New York, the Attorney General made a Rule 12(b)[1],[2], and [6] motion based exclusively on my complaint. Once again, on information and belief, a copy of this non-probative, proven false and misleading, Signorelli diatribe was given or shown to the federal judge involved.

F. There is pending in this Court, sub judice, the appeal argued on June 24, 1982, wherein the Suffolk County Attorney reproduced two (2) times in his appendix such diatribe, although, here again, it has no probative value and is not pertinent to any issue.

The Attorney General has republished manifestly impertinent and defamatory statutory privileged material in the "1982 action", the "equitable proceeding", the "federal action", and the "Court of Claims action", hence, more claims and more actions will follow, since each republication gives rise to a new cause of action.

This attempt to reincarnate and once again proliferate the Signorelli diatribe which labelled me a pariah, and the many law suits and claims resulting therefrom, will probably only cease when and if Mr. Justice COPPOLA holds, as I believe His Honor must, that he is without authority to authorize, aid, or abet a violation of Judiciary Law §90[10] and seals the file. Thereupon, any further republication will clearly constitute a contempt of court.

Therefore, I am constrained to resist any action which will delay that day of decision, even at the risk of risking His Honor's displeasure by this motion.

II Upon the call of the motion calendar on October 29, 1982, per Hon. ALBERT M. ROSENBLATT, presiding, the Assistant Attorney General without prior notice, made application to have his CPLR 3211(a) motions in the "1982 action" and the "equitable proceeding" referred to Mr. Justice COPPOLA.

My objections are set forth in my letter of October 31, 1982 to His Honor (Exhibit "A"). DORIS L. SASSOWER's, objections are set forth in her letter dated November 2, 1982 (Exhibit "B").

The facts in the Judge Rosenblatt motions are related to the Judge Coppola motions in background material, but the legal issues are wholly independent.

Consequently (1) any reference to Judge Coppola, prior to His Honor's decision(s) in the "1979 action" would cause delay in the rendition of decision(s) in that action and prejudice by reason of the steady stream of republication of the Signorelli diatribe in the interim, and (2) reference should not be

considered until all parties involved in the "1979 action" give their written consent to such reference or are have an opportunity to voice their objection thereto and have same considered.

Nevertheless, it is my understanding that on or about November 4, 1982, Mr. Justice ROSENBLATT referred the October 29th, 1982 motions to Hon. MATTHEW F. COPPOLA before hearing from the other parties and despite our written objection.

It is the function of an attorney or litigant not only to properly present advantageous meritorious arguments to a court, but also to avoid appealable issues infecting the record that his adversary might seize upon.

Candidly, were a defendant in the "1979 action", on an appeal, to argue that it was error to refer motions in the later cases to Mr. Justice COPPOLA without affording a litigant an opportunity to interpose an objection, I would not controvert such contention.

I therefore request a stay of such reference until opportunity is given for such defendants to make known their position. It requests nothing more than due process and fairness -- the right to be heard before action is taken, a right that my adversaries should also have.

III In my view, this Court has abdicated its responsibility to make known and enforce its exclusive power with respect to confidentiality under Judiciary Law §90[10].

In my view, the Office of Attorney General, the Office of the Suffolk County Attorney, Surrogate Signorelli, along with others, have illegally assumed the exclusive power and exclusive authority of this Court regarding the confidentiality provided by statute.

The statutory intent becomes warped and ludicrous when the attorney for the transgressor and his assistants, are permitted to publish and republish the aged Signorelli fabricated complaints of professional misconduct, when they have actual knowledge such

complaints were contrived, while an arm of this Court, the Grievance Committee for the Ninth Judicial District -- a client of the Attorney General -- mandates that the vindication and evidence of same be kept "top secret" at pains of draconian penalties.

I respectfully request that the lawful authority of this Court be restored and that the aforementioned transgressors be restrained and enjoined from violating the letter, spirit and intent of Judiciary Law §90[10], except as authorized by formal written Order of this Court made pursuant to application upon notice.

IV The Attorney General in all this related actions and proceedings represents (1) this Court, (2) the Appellate Division, First Department, (3) the Surrogate's Court, (4) Surrogate Signorelli, (5) the Acting Surrogate of Suffolk County, (6) the Grievance Committee, (7) the State of New York, and (8) the Assistant Attorney Generals.

I assume that the Attorney General will also represent, on this application, (9) Mr. Justice Coppola, and (10) Mr. Justice Rosenblatt.

A. Whether the Attorney General has a "duty to represent", in clearly conflicting situations, is a matter for the court and the Attorney General to ponder and decide. Obviously, the Attorney General is subordinating the interests of some of his clients in favor of others.

1. Does the Attorney General serve the interests of his client, the Appellate Division, when he attempts to stonewall the truth from emerging from the Surrogate's Court, Suffolk County?

2. Does the Attorney General serve the interests of his clients, Surrogate Ernest L. Signorelli, when he deliberately defaults in the federal court, thereby inviting federal intervention?

3. Does the Attorney General serve the interests of his client, the Grievance Committee, when he opens the door, and permits deponent to rebut, with documents the testimony, what transpired at the disciplinary hearings, including Signorelli's patently disgraceful, if not perjurious testimony? Would anyone, who did not

hear the testimony or read the transcript, believe that an Acting Supreme Court Justice [with a criminal prosecutorial and justice background] would give the testimony that he did regarding the 5th Amendment of the Constitution of the United States, or give the testimony that he did regarding the "accusatory instrument"?

4. On this application who is the Attorney General primarily representing, Mr. Justice Coppola, Mr. Justice Rosenblatt, Surrogate Signorelli, the Appellate Division, or himself and his Assistants?

May the Attorney General properly speak with Judge COPPOLA on this matter? May Judge COPPOLA properly speak to the Attorney General? May the Attorney General represent Judge COPPOLA without speaking to him? Should Judge COPPOLA's views and desires be transmitted by the Attorney General to his other clients, including Surrogate Signorelli, and also the plaintiff?

5. Does the Attorney General serve the interests of any of his clients when he has, as I understand he has, kept the shocking events which have taken place in federal court from his clients?

I suggest to the members of this Court (First and Second Department) that it call upon its attorney, the Attorney General, to explain, if he can, the incredulous conduct of his office in federal court, as set forth in my affidavit of November 4, 1982.

6. There is an aspect of the Attorney General's "conflict of interest" which directly affect your deponent, and hence my application for disqualification.

a. The Attorney General, as representative of this Court and the Grievance Committee, has access to confidential material which ordinarily would not be available to some of the defendants his office represents.

b. The Grievance Committee, a client of the Attorney General has attempted to "gag me" from revealing, even in pertinent judicial proceedings, testimony of its witnesses. My very right to freely speak or present evidence is constantly being chilled by the fear that the Grievance Committee can, as they have, sua sponte, commence a new disciplinary proceeding for truthfully and accurately setting forth some of the

evidence and testimony at the disciplinary hearings. I am not concerned about the eventual legal outcome of such proceedings, but the toll in my time, energy and money that such a disciplinary war will cost. Consequently, I must be unduly discreet and cautious.

In short, deponent is held to a fiduciary standard of disclosure to clients of the Attorney General, to wit., this Court and the Grievance Committee, while that same Attorney General represents my adversaries.

An inspection of the pertinent papers in the various courts reveal that the various assistants of the Attorney General handling these several matters are all working in tandem and coordinating their activities. No chinese wall could possibly be constructed which would prevent the constant and improper cross-pollination of information that is taking place in that office.

There is a limited cross-motion to disqualify in the matters which were before Judge Rosenblatt, which, I assume, was also referred to Judge Coppola. How this may or should affect the overdue decision on the "1979 motions" is one of the problems, which limitation of time and space, must be left for another time.

B. Whether this Court has a "duty to sit" or an "obligation to recuse" is a matter which has been raised before and will not be belabored again, except to state that there has been a significant change of circumstances, and importance of pre-existing factors, as herein shown.

No previous application has been made to this or any other Court for the relief sought, except as herein stated.

15/

GEORGE SASSOWER

Sworn to before me this
8th day of November, 1982

Laura Tedesco

NOTARY PUBLIC STATE OF NEW YORK
Qualified in Westchester Co.
TERM Expired 3/30/83

GEORGE SASSOWER
ATTORNEY AT LAW

914/328-0440

288 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606

October 31, 1982

Hon. Albert M. Rosenblatt
Justice of the Supreme Court
Supreme Court Courthouse
Poughkeepsie, N.Y. 12601

Re: Sassower v. Signorelli
Special Term Part I - #75
October 29, 1982

Honorable Sir:

Absence of a court stenographer on the call of the above motion necessitates a written statement on my position with respect to the Assistant Attorney General's request that the above matter be referred to Hon. MATTHEW F. COPPOLA.

As Your Honor was advised, pending before Judge Coppola since September 3, 1982, are various motions under a similar title in separate actions.

After such motions presently sub judice before Judge Coppola are disposed of, I have no objection to any reference. At that time, any question as to the appropriateness of such reference is a matter between Your Honor and Mr. Justice Coppola.

Before such disposition by Judge Coppola, I should like the file to reflect my objections:

a. Notice must be given to the attorneys representing all the parties in the matters before Judge Coppola. The Attorney General's Office gave no forewarning of its application. I do not believe it fair or proper that His Honor see related material, unseen by the other parties and which they did not consent be seen by Judge Coppola. Conceivably, the other party before Mr. Justice Coppola in the actions pending before His Honor and not in the actions pending before Your Honor, could later well argue, in the event of a reference, that the forthcoming order of Mr. Justice Coppola was affected by material in the present submission.

- 117 -

I, therefore, respectfully suggest that any decision regarding any reference be held in abeyance until Your Honor receives written response from the attorneys representing parties in the actions before Mr. Justice Coppola. By this letter, I am requesting such other attorneys to respond in writing and either consent or set forth their objections.

b. As Mr. Justice Coppola has been advised, the delay in rendering a decision is causing me continuing damage. I appreciate the fact that the issues before His Honor are somewhat unique and novel, thereby accounting for the delay in arriving at a decision. To further delay such decision by throwing into the caldron additional issues in new cases would cause me further needless prejudice.

I have reviewed the papers since the submission before Your Honor and I cannot find anything in such submission which would, in any way, aid Mr. Justice Coppola in reaching a determination.

The basic issue before Mr. Justice Coppola is a request of my wife and daughter, Doris L. Sassower, Esq. and Carey A. Sassower, for summary judgment in their separate and independent action for false imprisonment, libel, and violation of a statutory right of privacy. These causes of action arose four years ago.

The basic causes of action before Your Honor are for malicious prosecution, which only arose recently upon vindication of the charges lodged. The primary motions before Your Honor are by the defendants for CPLR 3211(a) relief. This is wholly different application from that pending before Judge Coppola, wherein plaintiffs (wife and daughter) are seeking summary judgment relief.

I respectfully suggest that if the Attorney General desired consolidation, he should have formally moved for such relief, with due and proper notice to all parties involved so that they would have an opportunity to fully express their views.

c. Heretofore, I was timely served with a Notice of Motion by the firm of Abrams & Sheidlower, Esqs. but on the return date I noticed that the original papers were not part of the Court file.

Hon. Albert M. Rosenblatt

-3-

Oct. 31, 1982

I mentioned the fact to Your Honor's secretary, advised him that I would notify such firm of the fact so that they could forward to Your Honor another copy of their papers in the event the original papers were misfiled. I further advised Your Honor's secretary that I would have no objection to the receipt of same by the Court.

To sum up my position, I respectfully request that the matters before Your Honor be held in abeyance pending written advice by the attorneys for the other parties as to their views regarding any reference to Mr. Justice Coppola. Again, I set forth my objection to any such reference before a decision by Mr. Justice Coppola on the matters presently pending before His Honor, although I do not so object after His Honor has rendered such decision.

Your kind consideration is much appreciated.

Most Respectfully,


GEORGE SASSOWER

GS/bh

cc: Hon. Matthew P. Coppola
David J. Gilmartin, Esq.
Abrams & Sheidlover, Esqs.
Robert Abrams, Esq.
Doris L. Sassower, Esq.

LAW OFFICES

Doris L. Sassower, P.C.

323 BROADVIEW AVENUE WHITE PLAINS, N. Y. 10608 - 914/997-1977
200 PARK AVENUE, NEW YORK, N. Y. 10017 - 212/490-3000

Barren D. Sutton, Counsel

November 2, 1982

Hon. Albert M. Rosenblatt
Justice of the Supreme Court
Supreme Court Courthouse
Poughkeepsie, N.Y. 12601

Re: Sassower v. Signorelli
Special Term Part I - #75
October 29, 1982

Honorable Sir:

Since Your Honor's time was limited at the call of the motion calendar, I write to express my objection to consideration of the Attorney General's request for a reference of the above matters to Hon. Matthew P. Coppola before His Honor renders his decision on the motions now sub judice before him for the past two months.

I have no objection to such reference after decision by Judge Coppla, if Your Honor is so inclined.

1. It is now more than four years since I was publicly defamed, without notice or forewarning, by the sua sponte diatribe by Ernest L. Signorelli, who did not even have jurisdiction over me at the time. Additionally, my statutory right of privacy (Judiciary Law §90[10]) was violated by such publication.

Those charges were established as false and fabricated by an unpublished, resounding decision of the Appellate Division dismissing same as "without merit" and granting me leave to seek sanctions against my prosecutors. I am now seeking the earliest possible public vindication by way of an Order for summary judgment, presently pending before Mr. Justice Coppola.

Exhibit "B"

The situation has become more egregious by reason of the fact that the Attorney General's Office and the Suffolk County Attorney keep republishing this Signorelli diatribe in other tribunals, with little regard for pertinency, although they know that such charges have been shown to have been contrived by Signorelli's own sworn testimony and records of his court, and with full knowledge that they also are violating the confidentiality provisions of the Judiciary Law in the process.

I see nothing in the defendants' meritless CPLR 3211(a) motions, which could in any way aid Mr. Justice Coppola in reaching a decision in the matters before His Honor.

I do see quite clearly the probability of substantial delay in the event a reference is made, and Mr. Justice Coppola concludes he should defer action on the pending motions and decide all motions simultaneously.

2. Also before Mr. Justice Coppola is my and my daughter's motion for summary judgment for our incarceration because we served a Writ of Habeas Corpus directing the release of my husband. The claimed reason for such incarceration, as the Appellate Division heard, was that the County Attorney deemed the Justice of the Supreme Court from the Ninth Judicial District who signed the Writ "illiterate".

As the Appellate Division was advised, the officialdom from the Tenth Judicial District are mandated to obey writs, from illiterate as well as literate judges, and they have not been empowered to be the ex parte arbiters of the literacy qualifications of judges from another district, and thus not release my husband. Certainly, my daughter and myself could not be legally incarcerated for merely serving such writ. Public policy requires that we be given swift relief for such outrage.

Doris L. Sassower, P.C.

Hon. Albert M. Rosenblatt

-3-

Nov. 2, 1982

3. As stated by my husband, I likewise agree that a reference should not even be considered until the attorneys for the other parties in the matters before Mr. Justice Coppola are notified and given an opportunity to express their consent or objections in writing. Fairness and orderly judicial procedure dictate that any decision by Mr. Justice Coppola not be jeopardized in the appellate court by any contention that a prejudicial reference was made by Your Honor without their knowledge and consent, and without them ever seeing many of the papers submitted to Your Honor.

Thank you for your kind consideration.

Most Respectfully,



DORIS L. SASSOWER

DLS/s

cc: Hon. Matthew F. Coppola
David J. Gilmartin, Esq.
Abrams & Sheidlower, Esqs.
Robert Abrams, Esq.
George Sassower, Esq.

.

SUPREME COURT : APPELLATE DIVISION - SECOND DEPT.

In the Matter of the Application of
GEORGE SASSOWER,

For an Order rejecting the Memorandum
submitted by and on behalf of ERNEST L.
SIGNORELLI, and any and all similar
documents that might be submitted in this
matter etc.,

ORDER TO SHOW CAUSE, AFFIDAVIT, and EXHIBITS.

GEORGE SASSOWER

Attorney for Petitioner

Office and Post Office Address, Telephone

283 SOUNDVIEW AVENUE

WHITE PLAINS, N. Y. 10606

(914) 328-0440

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

19

at

M.

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

Dated,

Yours, etc.
GEORGE SASSOWER

Attorney for

Office and Post Office Address
283 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606

To

Attorney(s) for