

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

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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. :

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

AFFIRMATION

-against- :

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

Defendants. :

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STATE OF NEW YORK, COUNTY OF SUFFOLK:

ERICK F. LARSEN, an attorney duly admitted to practice
in the New York State courts affirms the truth of the following
under penalties of perjury:

1. This affirmation is submitted in my capacity as
an Assistant Suffolk County Attorney upon behalf of defendants,
Sheriff Finnerty, former Warden Regula, and Public Administrator
Mastroianni. Although I am the only Assistant County Attorney
assigned to defend the numerous actions and proceedings
commenced by the Sassowers all over the New York Metropolitan

Area in both the State and Federal Courts including the second half of the captioned action, I am thoroughly confused as to how or by what Court rule, statute or opinion the plaintiffs/petitioner has relied upon in order to create the caption of this proceeding/action. I strongly believe that plaintiffs/petitioners' current application is totally improper and unauthorized since it does not even remotely relate to any current proceeding, action or appeal presently pending in this Court.

2. The Order to Show Cause employed by the petitioner /plaintiffs appears to require only Supreme Court Judges Coppola and Rosenblatt to show cause or respond. Yet, it is clear that petitioner/plaintiff seek injunctive relief against other parties, non-parties and their attorneys who are not expressly cited in the Order to Show Cause. The Suffolk defendants therefore object to the form and intended effect of the Order upon the grounds that it is facially defective, not authorized by the CPLR, not made in conformity with the local Rules of this Court and it violates the Suffolk defendants' basic procedural due process and First Amendment free speech rights.

3. The jurisdiction sought to be invoked by petitioner/plaintiffs' application is seriously questioned. The application does not include a petition naming the Suffolk defendants as respondents; therefore it can only be assumed that petitioner/plaintiffs are attempting to

bring an independent application on by use of a facially defective Order to Show Cause in connection with a similarly captioned pending action at law (Tort) in which the Suffolk defendants are named as parties. This is most perplexing since the similarly captioned Tort action is before this Court upon appeal and was not brought pursuant to the Court's original jurisdiction. Moreover, the appeal has been fully briefed, argued and the parties are merely awaiting a formal determination by this Court.

4. Most importantly, the petitioner's /plaintiffs' application does not speak to the appeal but rather appears to exclusively involve a number of factually related State and Federal actions and proceedings currently pending in other Courts of both original and Appellate Jurisdiction. It also appears that the instant Suffolk defendants as well as other Suffolk officials are parties to some, but certainly not all, of the actions and proceedings to which petitioner/plaintiffs refer and in which they here seek direct relief. In short, the current application to this Court is totally improper, unauthorized, prejudicial and harmful to the Suffolk defendants.

5. In so far as the application concerns the Suffolk defendants, petitioner/plaintiffs seek an order of this Appellate Court "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.....".

6. The moving papers fail to even vaguely indicate exactly which persons and/or entities are sought to be enjoined and the application fails to identify the particular conduct sought to be enjoined. In the context of this "unique.... multifurcated case presently being litigated in a number of courts" (Sassower Affidavit at 2) it is almost inconceivable that the application seeks to restrain all of the members of the office of the Suffolk County Attorney and all of the clients of the Suffolk County Attorney from "republishing" a judicial opinion which has been widely circulated, at least in the State and Federal Courts, during the past five years as a necessary and integral part of the multitude of vexatious judicial proceedings which have been commenced by the petitioner/plaintiffs here.

7. Moreover, strictly upon the basis of the written application, no reasonable person can even identify, without going outside the record, what document the movants seek to have defendants restrained from republishing.

8. Quite frankly, the instant "application" appears to be nothing more than a bitter contrived, angry criticism and denunciation of the Attorney General's frustrating efforts to legitimately defend the barrage of judicial proceedings which are continually being commenced and appealed and multiplied by the Sassowers throughout the Metropolitan area.

9. It is obvious that the vast majority of the supporting affidavit is irrelevant to the issues at bar and designed merely to inflame passions and obscure. It is respectfully requested that the "Application" be denied in its entirety and that the Suffolk defendants be awarded costs, disbursements and attorneys' fees along with such other and further relief as this Court deems just and proper.

Dated; November 16, 1982

Hauppauge, N. Y.



ERICK F. LARSEN
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TO:

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