

VERIFIED COMPLAINT
[38 - 43]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x
GEORGE SASSOWER,

Plaintiff,

- against -

Index No.
3608-1979

NEW YORK LAW PUBLISHING COMPANY,

Defendant.
-----x

Plaintiff, as and for his complaint, respectfully sets forth and alleges:

AS AND FOR A FIRST CAUSE OF ACTION

1. That at all times hereinafter mentioned, defendant, NEW YORK LAW PUBLISHING COMPANY, was and still is a domestic corporation, duly organized and existing under the laws of the State of New York.
2. That at all times hereinafter mentioned, the defendant publishes a legal periodical entitled New York Law Journal.
3. The defendant's Law Journal is sold and in general use by the legal profession and community in the City of New York, Nassau, Suffolk and Westchester Counties.
4. The NEW YORK LAW JOURNAL includes as part of its publication, selected material from various courts legally appropriate and of legal interest to members of that profession.
5. That the defendant is staffed and edited by persons of the legal profession and/or persons unusually familiar

Exhibit "1"

with legal matters.

6. That on information and belief, the defendant is, at all times particularly cognizant with the statutory provision providing that:

"Any statute or rule to the contrary notwithstanding ... any complaint ... relating to the conduct ... of an attorney ... shall be sealed and be deemed private and confidential."
Judiciary Law §90(10).

7. Plaintiff, an attorney, has not been censored, suspended, or disbarred as a result of the charges made, nor was permission given by the Appellate Division for the public release of any complaint against him with respect to the material hereinafter set forth.

8. Despite the aforementioned statutory mandate of confidentiality, the defendant published and printed on March 3, 1979 Exhibit "A", which is annexed hereto.

9. As a result thereof, plaintiff sustained general and special damages by the belief in the community that he had been censured, suspended, and/or disbarred which permitted the publication of said complaint.

AS AND FOR A SECOND CAUSE OF ACTION

10. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "9" of the complaint, with the same force and effect as though more fully set forth at length herein, and further alleges:

11. That on the 24th day of February, 1978, ERNEST L. SIGMORELLI recused himself from all matters involving the plaintiff, of which fact defendant was aware.

12. The defendant was also aware that prior thereto the said ERNEST L. SIGMORELLI had denied all plaintiff's efforts to compel his disqualification.

13. On or about February 24, 1978, the said ERNEST L. SIGMORELLI, sua sponte, and without notice or opportunity to respond or enjoin, went on a defamatory rampage against plaintiff and his wife, DORIS L. SASSOWER.

14. Subsequent to the recusal of ERNEST L. SIGMORELLI, the defendant, acting in concert with him, published the aforementioned defamatory diatribe (Exhibit "A").

15. Plaintiff, at the time, was a private person, involved in private matters.

16. Defendant knew or should have known at the time of publication that the aforementioned Exhibit "A" was false, distorted, misleading, maliciously published and issued in a grossly irresponsible manner.

17. The defendant knew or should have known that the farrago of defamatory material issued by ERNEST L. SIGMORELLI (Exhibit "A") was made without affording to plaintiff the right or privilege of presenting the true facts prior to said publication.

18. The New York Law Journal knew or should have known that the aforesaid publication was not a "decision" nor an "order", and that it was purposely misdesignated in a feckless

attempt to immunize defamatory material.

19. The New York Law Journal knew or should have known that a "decision" or "order" of a judge does not properly set forth his contentions as a litigant nor are complaints made directly to the Presiding Justice of the Appellate Division, as was contained in Exhibit "A", particularly when the appeal of ERNEST L. SIGNORELLI pends before that body.

20. The defendant knew or should have known that the published complaint was made to the Presiding Justice of the Appellate Division in the worthless attempt to immunize the defamatory material contained therein and to evade the injunction of §90(10) of the Judiciary Law.

21. The asserted material (Exhibit "A") caused plaintiff loss of respect, exposed him to opprobrium, contempt and aversion, both privately and in his profession and caused him general and special damages.

22. The aforementioned Exhibit "A" was false, misleading and defamatory in that it wrongly accused plaintiff of "evading service of process"; stated that plaintiff had been removed on "March 25, 1976"; that plaintiff defaulted causing a person "the loss of a day's wages"; that a trial was adjourned from June 1, 1977 to June 15, 1977 at plaintiff's "request"; accused plaintiff of making two applications for a Writ of Habeas Corpus and in both of them "he" stated that no prior application had been made; that plaintiff's Writ of

Habeas Corpus was sustained "on technical grounds"; that plaintiff improperly sought review in the Supreme Court rather than the Appellate Division; that plaintiff "evade(d) service of further process to adjudge him in contempt of court"; that plaintiff's conduct was "inexplicable" and affected another court; that plaintiff inexcusably defaulted on December 13, 1977; that plaintiff refused to reveal the "other court engagements"; that plaintiff's "intransigence has made it virtually impossible to adjudicate the issues raised in this litigation"; and other false, misleading or unfair remarks.

23. Furthermore, the defendant's improper published references to plaintiff's wife, although it knew that the Court did not have jurisdiction over her at that time and that these remarks were made and published without giving her an opportunity to defend herself or prior notice.

24. The defendant knew or should have known that the sole reason for including plaintiff's wife in this sordid publication was in retaliation for the activities of the plaintiff and for no other reason.

WHEREFORE, it is respectfully prayed that Judgment be entered in favor of plaintiff against defendant in the First Cause of Action for compensatory and punitive damages in the sum of \$500,000 and a similar sum in the Second Cause

of Action; together with the costs and disbursements of
this action.

GEORGE SASSOWER
Attorney for Plaintiff pro se
75 Wykagyl Station
New Rochelle, N.Y. 10804
(914) 636-4050

Verified April 23, 1979 by Plaintiff.