

COURT OF APPEALS : STATE OF NEW YORK

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

Plaintiffs-Appellants,

-against-

ERNEST L. SIGNORELLI,

Defendant-Respondent,

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

Defendants.

-----x  
§500.4 SUMMARY CONSIDERATION STATEMENT - REPLY

The short letter statement of the Assistant Attorney General, dated May 1, 1984, similar to the opinion of the Appellate Division, the Briefs of the Attorney General, are all bereft of factual matter.

1. Respondent affirmatively alleged that he recused himself on February 24, 1978, which is more than three (3) months before the conduct complained about in the first three causes of action?

How can there be judicial immunity, as a matter of law, after a judge recuses himself?

2. Respondent's admitted date of recusal was about one week before publication of his "sua sponte diatribe", which is the basis of the last two causes of action.

3a. In fact, at the direction of a federal judge, weeks before, the Assistant Attorney General telephoned respondent from federal judicial chambers, relayed the federal court's directions that respondent change his ways, recuse himself, or federal intervention would be considered.

In open court, the Assistant Attorney General, told the federal court that respondent would recuse himself and further that nothing was pending against the husband/father of appellants.

Thus at the time the overpublished "diatribe" was issued there was nothing pending for respondent to decide, the "diatribe" was not intended to decide anything, nor did the "diatribe" decide anything!

It was, as described by Presiding Justice Milton Mollen (Exhibit "A"), upon receipt thereof, as:

"a decision [which] alleges professional misconduct on the part of George Sassower and Doris Sassower, attorneys-at-law."

b. On the face of the complaint, five of the six causes of action reveal a manifest lack of subject matter and personal jurisdiction by respondent, which respondent knew, because, inter alia, the events occurred after his recusal.

4a. Respondent himself affirmatively alleges that appellant, Doris L. Sassower, Esq. withdrew from the estate matter on May 12, 1977, which was about thirteen months before the conduct complained about in the first three causes of action.

b. Respondent himself affirmatively alleges that appellant, Doris L. Sassower's withdrawal was before the conduct complained about in the fourth cause of action.

c. Respondent himself affirmatively that Doris L. Sassower's withdrawal was about ten months before the publication of the "diatribe", contained in the last two causes of action.

In short, all the conduct complained was at a time when respondent lacked personal jurisdiction over appellant, Doris L. Sassower, and he knew it.

5. Clearly beyond the jurisdictional bailiwick of respondent, personal or subject matter, was the incarceration of the daughter, the appellant, Carey A. Sassower, who did nothing more than accompany Doris L. Sassower, Esq., in serving a Writ of Habeas Corpus directing the release of George Sassower, Esq., after his in absentia conviction for his alleged [but thereafter admitted false] contention that he had not turned over the estate's books and records to the Public Administrator, before the first contempt proceeding.

a. Admissions and confessions by respondent and his sycophants reveal that the entire matter was a sham, fraud, and fake.

Thus, while the entire scenario might have started when when respondent aborted a real estate contract, which he himself "ordered", on the record, to be executed by George Sassower, Esq., on the sua sponte, clearly contrived excuse that George Sassower, Esq., had been removed as executor one year before, this action is based not on respondent's conduct in aborting the contract or any other judicial conduct, but on his actions after he recused himself, which were also acts non-judicial in nature.

b. Noted is that liability is alleged against respondent, not on the making of a disciplinary complaint, but on knowingly causing it to be overpublished in haec verba in the New York Law Journal and having copies of his complaint sent to various other persons, including the Presiding Justice.

The resounding acquittal, years later, of Doris L. Sassower, Esq., by an unpublished Order of the Appellate Division [First Department], on all charges against her with "leave to apply for sanctions" against her prosecutors, is indicative that respondent's motive was to discredit George Sassower, Esq. [who was also resoundingly vindicated], and all those associated with him, in the event he decided to expose respondent.

Ironically, respondent was hoisted by his own petard when, at his own inspired disciplinary hearings he and his sycophants admitted that one year later, they sold the same non-income producing property to the same person at the same price, needlessly incurring all the interim expenses thereby!

One can appreciate the dementia and animus of respondent towards the spouse of Doris L. Sassower, Esq., by his actions in criminally convicting him (1) without any accusation; (2) without notifying him of any trial or hearing; (3) a trial; (4) conviction; and (5) sentencing him to be incarcerated for 30 days all in absentia.

This was not the actions of a local, non lawyer trained judge, but one who for many years was a former Assistant District Attorney, a County Court Judge, and Acting Supreme Court Justice!

For the respondent to dispatch deputy sheriffs of Suffolk County, early the next morning, four counties beyond their jurisdictional bailiwick, in order to arrest George Sassower, Esq. [without the assistance of local police authorities], pursuant to such "mock" judicial proceedings, to ferry him to Suffolk County, hold him incommunicado, repeatedly deny him the right to present his Writ of Habeas Corpus, reject his asserted 5th Amendment rights, and after his release, hold a private news conference imparting false and defamatory information, is difficult to perceive happening in the last quarter of the twentieth century in the the State of New York.

Then, after the Writ of Habeas Corpus is sustained, to then substantially repeat such performance and add insult to injury, to additionally incarcerate the appellants for doing nothing more, after respondent recused himself three months prior thereto, than serving a Writ of Habeas Corpus ordering the immediate release of George Sassower, Esq., borders on the unbelievable, albeit confessed.

6a. Consequently, the manifest aversion of the Attorney General and the Appellate Division in not setting forth the facts upon which they contend judicial immunity exists, becomes obvious.

b. Thus, if the Attorney General desires a summary disposition by this Court, his office should set forth the facts, as alleged in the Record or as known by his office upon which respondent contends judicial immunity exists!

7a. Furthermore, so that this Court can determine whether the Second Department could constitutionally serve as a tribunal in this matter, the Attorney General should set forth in crystal clear terms, the transactional involvement of the Appellate Division of that Department.

b. In the Record in this case, deemed admitted by the Suffolk County Attorney, was a Notice to Admit, which included the following assertions [Record on Appeal 390-391 - Exhibit "B"]:

"13. On June 10, 1978, Ernest L. Signorelli was informed by ... that George Sassower, Esq. had been arrested.

14. On June 10, 1978, Ernest L. Signorelli ... was informed that a Writ of Habeas Corpus had been served directing the release of George Sassower, Esq.

15. On June 10, 1978, Ernest L. Signorelli or someone on his behalf communicated with Presiding Justice Milton Mollen or someone on his behalf with respect to the Writ of Habeas Corpus that had been served with respect to George Sassower, Esq.

16. On June 10, 1978, Ernest L. Signorelli or someone on his behalf was advised that Presiding Justice Milton Mollen had communicated with Supreme Court Justice Anthony J. Ferraro with respect to such Writ issued for the release of George Sassower, Esq.



17. At the time that communication was made by or on behalf of Ernest L. Signorelli to Presiding Justice Milton Mollen, Presiding Justice Milton Mollen was not advised that George Sassower, Esq., had been tried, convicted, and sentenced in absentia.

18. At the time that communication was made on or behalf of Ernest L. Signorelli to Presiding Justice Milton Mollen, the Presiding Justice was not informed that plaintiffs (appellants) had been incarcerated."

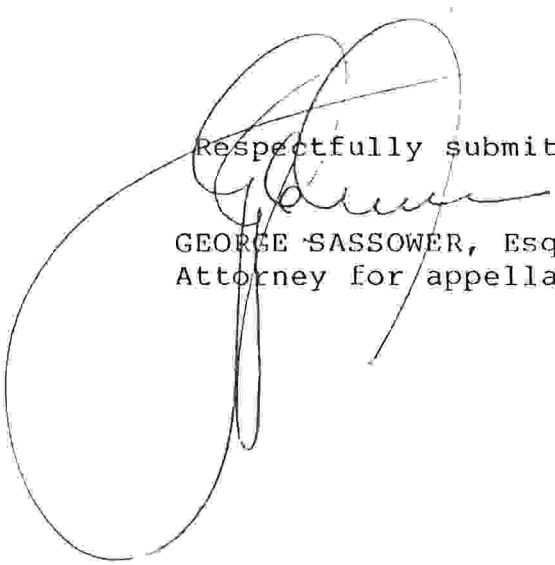
8. Under the circumstances revealed in this matter, it was not surprising that the Second Department sua sponte again commenced disciplinary action against George Sassower, Esq., when, in relevant judicial proceedings, he revealed, a small portion of the disciplinary proceedings.

In this case, according to the Second Department, the disciplinary complaints may be constantly republished, even by the Attorney General, the vindicating material, if not the vindications themselves, must be kept secret and confidential.

To describe such interpretation of Judiciary Law §90[10], as judicial dementia, is charitable. It is nothing less than an attempt to unconstitutional conceal the egregious workings of the judicial branch of government!

9. If summary consideration is given, it must be one of reversal!

Dated: May 5, 1984



Respectfully submitted,

GEORGE SASSOWER, Esq.  
Attorney for appellants.

March 3, 1978

Honorable Ernest L. Signorelli  
Surrogate Suffolk County  
County Center  
Riverhead, New York 11901

Re: Estate of Eugene Paul Kelly, deceased  
File No. 736P 1972

Dear Surrogate Signorelli:

I am in receipt of a copy of your decision in the above stated matter, dated February 24, 1978, which decision alleges professional misconduct on the part of George Sassower and Doris Sassower, attorneys-at-law.

My office has contacted the Joint Bar Association Grievance Committee for the Ninth Judicial District and determined that the Committee is aware of the situation you described. Please be assured that appropriate action will be taken.

Thank you for bringing this matter to my attention.

Very truly yours,

MILTON MOLLEN  
Presiding Justice

Exhibit "A"

9th JUDICIAL DISTRICT  
MAR 5 1978  
GRIEVANCE COMMITTEE

13. On June 10, 1978, Ernest L. Signorelli was informed by John P. Finnerty, Howard E. Pachman, Esq., and/or Erick F. Larsen, Esq., and/or persons acting on their behalf that George Sassower, Esq. had been arrested.

14. On June 10, 1978, Ernest L. Signorelli or someone on his behalf was informed by John P. Finnerty, Howard E. Pachman, Esq., and/or Erick F. Larsen, Esq., and/or persons acting on their behalf that a Writ of Habeas Corpus had been served directing the release of George Sassower, Esq.

15. On June 10, 1978, Ernest L. Signorelli or someone on his behalf communicated with Presiding Justice Milton Mollen or someone on his behalf with respect to the Writ of Habeas Corpus that had been served with respect to George Sassower, Esq.

16. On June 10, 1978, Ernest L. Signorelli or someone on his behalf was advised that Presiding Justice Milton Mollen had communicated with Supreme Court Justice Anthony J. Ferraro with respect to such Writ issued for the release of George Sassower, Esq.

Exhibit "B"

17. At the time that communication was made by or on behalf of Ernest L. Signorelli to Presiding Justice Milton Mollen, Presiding Justice Milton Mollen was not advised that George Sassower, Esq., had been tried, convicted, and sentenced in absentia.

18. At the time that communication was made on or behalf of Ernest L. Signorelli to Presiding Justice Milton Mollen, the Presiding Justice was not informed that plaintiffs had been incarcerated.

19. At no time prior to June 24, 1982, did any of the defendants or their attorneys express the opinion that Hon. Anthony J. Ferraro was "illiterate".

20. Prior to March 4, 1979, the defendant, Ernest L. Signorelli, did not have any written evidence, or evidence made upon the record of the Surrogate's Court, Suffolk County, or any other court to the effect that plaintiff, Doris L. Sassower, Esq., had "refused to identify the case or the particular department of the Appellate Division" that George Sassower, Esq. was engaged.

21. Prior to February 24, 1979, the defendant, Ernest L. Signorelli, had not been informed that plaintiff, Doris L. Sassower, Esq., had "refused" to give such information.