

JEFFREY I. SLONIM, ESQ. - RESPONDENT - IN OPPOSITION
[A70-A74]
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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GEORGE SASSOWER and DORIS L. SASSOWER, :

Plaintiffs, :

-against- :

ACTION "A"

ERNEST L. SIGNORELLI, :

Index No.
14373-1982

Defendant. :

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

AFFIDAVIT
IN OPPOSITION

Plaintiffs, :

-against- :

ACTION "B"

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

Index No.
5607-1979

Defendants. :

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STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

JEFFREY I. SLONIM, being duly sworn, deposes and
says:

1. I am an Assistant Attorney General in the office
of ROBERT ABRAMS, Attorney General of the State of New York,
attorney for defendant Ernest L. Signorelli, the Surrogate of
Suffolk County, in the many actions brought against him by the

Sassowers. I submit this affidavit in opposition to the latest effort by plaintiffs pro se: the motion by plaintiff Doris Sassower for reargument of the December 22, 1982, decision of Justice Matthew F. Coppola in Sassower v. Signorelli, Index No. 14373-1982 (now designated by plaintiffs as "Action 'A'"), which dismissed the complaint in that action and enjoined both Sassowers from bringing any further repetitive actions based upon the same facts. Alternatively, Mrs. Sassower seeks to amend the complaint in Sassower v. Signorelli, Index No. 3607-1979 ("Action 'B'"), to add the dismissed claims pleaded but dismissed in Action "A". I also submit this affidavit as an application for costs for needing to oppose this patently frivolous motion.

2. Because the motion seeks to reargue a prior motion, originally heard by Justice Coppola, the present motion should be referred to Justice Coppola for determination. CPLR 2221.

3. The motion for reargument, which is made only by Mrs. Sassower and not by her husband and co-plaintiff, has no merit and should be denied in all respects. In the first place, her affidavit makes no attempt to show that the Court overlooked or misapprehended the facts or the law or for some other reason mistakenly arrived at its decision. 2A Weinstein-Korn-Miller, New York Civil Practice ¶2221.03.

4. Rather, Mrs. Sassower makes clear that the sole

purpose for which the motion is made is "simply because the unsuccessful counsel... would like to again argue the very question" previously decided. Id. at 22-127, quoting from Fosdick v. Town of Hempstead, 126 N.Y. 651, 27 N.E. 382 (1891). The law is uniform that the plain dissatisfaction of a party with a decision is insufficient basis for the reargument of the underlying motion, and the present motion for reargument should, therefore, be denied.

5. Similarly, the motion to amend the complaint in Action "B" in an attempt to revive the dismissed complaint in Action "A" is also nothing more than frivolous. Indeed, that motion should be denied for the very reasons set forth in the Court's decision dismissing the complaint in Action "A". In that decision (p.2), the Court held that the alleged claims, which Mrs. Sassower now seeks to add to her earlier complaint, were "nothing more than a rehash of allegations previously asserted in one form or another." There is simply no reason to allow that "rehash" to be revived and added onto another action, especially where the very same allegations are already at issue in that prior action.

6. Thus, although Mrs. Sassower now disingenuously claims (§ 1.b.) that the dismissed claims in Action "A" arose subsequent to those alleged in Action "B", the allegations contained in both complaints are identical in substance. A copy of the complaint in Action "A" is Exhibit "A" to my

affidavit of October 15, 1982, submitted in support of the motion to dismiss that complaint, and a copy of the Action "B" complaint is part of Exhibit "H" to that affidavit.

7. Mrs. Sassower now seeks to revive her Action "A" complaint by calling it one for "malicious prosecution". That complaint, which, like all of the others, revolves around the February 24, 1978, decision of Surrogate Signorelli, may be searched in vain for any use of that term. In any event, the complaint in the earlier Action "B" already alleged (§39) that the Signorelli decision was "maliciously published", and Mrs. Sassower's new use of the term to describe her more recent case does not, in any way, distinguish Action "A" from Action "B". There is simply no reason to allow the requested amendment of one complaint to reflect the claims purportedly raised in the other because they are nothing but the same claims. Accordingly, that part of Mr. Sassower's motion should also be denied.


8. Defendant Signorelli should be awarded the costs of defending against this baseless motion. As the Court recognized in dismissing Action "A" (p.2), there must come a time when "the mountains of papers" generated from these actions should cease. Clearly, the present motion is just another unfounded addition to the "unceasing, vexatious litigation" (p.1) directed by the Sassowers at defendant Signorelli, and the Sassowers should be made to realize that

they cannot continue to waste the time of the Court and of counsel on their never-ending "mountains of papers" without being taxed the costs of their harassment. Accordingly, it is submitted that the costs of defending against this latest effort should be awarded against Mrs. Sassower.

WHEREFORE, it is respectfully submitted that the motion should be denied in all respects and that defendant Signorelli should be awarded the costs of defending against this motion.


JEFFREY C. SLONIM

Sworn to before me this
10th day of January, 1983


Assistant Attorney General
of the State of New York