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At a Term of the Appellate Division of the Supreme Court
of the State of New York, Second Judicial Department,
held in Kings County on March 5, 1984.

HON. VITO J. TITONE, Justice Presiding,
HON. DAVID T. GIBBONS,
HON. MOSES M. WEINSTEIN,
HON. ISAAC RUBIN. } Associate Justices

Doris L. Sassower, et al.,
Respondents,
v
Ernest L. Signorelli,
Appellant,
et al.,
Defendants.

Order on Appeal
from Order.
(2434 E)

In the above entitled cause, an action to recover damages for (1) the denial of plaintiffs' right to visit an incarcerated individual in the Suffolk County Jail, (2) the unlawful detention of plaintiffs, (3) the harassment of plaintiff Doris Sassower, and (4) the publication of a decision and order of defendant Ernest L. Signorelli, the said defendant having appealed to this court from so much of an order of the Supreme Court, Westchester County, entered January 24, 1983, as denied his cross motion for summary judgment dismissing the complaint as to him; and the said appeal having been argued by Stephen M. Jacoby, Esq., of counsel for the appellant and argued by Doris L. Sassower, Esq., respondent pro se and of counsel for respondent Carey A. Sassower, due deliberation having been had thereon; and upon this court's opinion and decision slip heretofore filed and made a part hereof, it is

ORDERED that the order insofar as appealed from is hereby unanimously reversed, on the law, with costs, defendant Signorelli's cross motion for summary judgment is granted, and the plaintiff's complaint is dismissed as to said defendant.

Enter:

IRVING H. SELKIN

Clerk of the Appellate Division.

VITO J. TITONE, J.P.
DAVID T. GIBBONS
MOSES M. WEINSTEIN
ISAAC RUBIN, JJ.

AD2d

A - January 10, 1984

2434 E

Doris L. Sassower et al.,
respondents, v Ernest L.
Signorelli, appellant, et al.,
defendants.

Robert Abrams, Attorney-General, New York, N.Y. (Stephen M. Jacoby, Melvyn R. Leventhal and Stanley A. Camhi of counsel), for appellant.

Doris L. Sassower, White Plains, N.Y. (George Sassower of counsel), respondent pro se and for respondent Carey A. Sassower.

In an action to recover damages for (1) the denial of plaintiffs' right to visit an incarcerated individual in the Suffolk County Jail, (2) the unlawful detention of plaintiffs, (3) the harassment of plaintiff Doris Sassower, and (4) the publication of a decision and order of defendant Surrogate SIGNORELLI, said defendant appeals, as limited by his notice of appeal and brief, from so much of an order of the Supreme Court, Westchester County (COPPOLA, J.), entered January 24, 1983, as denied his cross motion for summary judgment dismissing the complaint as to him.

Order reversed insofar as appealed from, on the law, with costs, defendant SIGNORELLI's cross motion for summary judgment is granted, and plaintiffs' complaint is dismissed as to said defendant.

The conduct of appellant which forms the basis of the complaint as against him occurred in his capacity as a Judge in the course of judicial proceedings. As such, he is entitled to judicial immunity (see Sassower v Finnerty, 96 AD2d 585) and his cross motion for summary judgment should have been granted.

TITONE, J.P., GIBBONS, WEINSTEIN and RUBIN, JJ., concur.