

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
-----x

GEORGE SASSOWER,

Index No.  
5774-1983

Plaintiff,

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,  
ALAN CROCE, ANTHONY GRYMALSKI, HARRY E.  
SEIDELL, NEW YORK NEWS, INC., AND  
VIRGINIA MATHIAS,

Defendants.  
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S I R S:

PLEASE TAKE NOTICE, that upon the annexed affidavit of GEORGE SASSOWER, duly sworn to on the 20th day of of April, 1983, and upon all the pleadings and proceedings had heretofore had herein, the undersigned will move this Court at a Special Term Part IA of the Supreme Court of the State of New York, County of New York, held at the Courthouse thereof, 60 Center Street, in the Borough of Manhattan, City and State of New York, on the 5th day of May, 1983, at 9:30 o'clock in the

forenoon of that day or as soon thereafter can be heard for an Order (1) accelerating the return date of the motion of DAVID J. GILMARTIN, Esq., dated April 15, 1983, returnable May 16, 1983; (2) vacating and/or denying said motion with \$10,000 costs; (3) striking the answer of the clients of DAVID J. GILMARTIN, Esq., unless they appear and submit to an examination before trial at a date set forth by this Court; (4) disqualifying the firm of PATTERSON, BELKNAP, WEBB & TYLER, Esqs., from their representation of ARTHUR PENNY; (5) overruling any objection on behalf of ARTHUR PENNY based upon Civil Rights Law §79-h or attorney-client privilege; (6) permitting plaintiff to have pre-trial disclosure of [a] PATTERSON, BELKNAP, WEBB & TYLER, Esqs.; [b] TOWNLEY & UPDIKE, Esqs; [c] ERNEST L. SIGNORELLI; [d] VINCENT G. BERGER, JR., Esq.; [e] ERICK F. LARSEN, Esq.; [f] HARRY SCHAGEL, as witnesses, in Supreme Court, New York County, and [g] Presiding Justice MILTON MOLLEN; [h] Associate Justice FRANK A. GULOTTA; [i] Hon. ANTHONY J. FERRARO; and [j] Hon. IRVING N. SELKIN, Clerk of the Appellate Division,

Second Department, at such time, manner, and place as this Court may believe appropriate; (7) together with any other, further, and/or different relief as to this court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that opposing papers, if any, are to be served upon the undersigned at least five (5) days after the return date of this motion, with an additional five (5) days if such service is by mail.

Dated: April 20, 1983

Yours, etc.,

GEORGE SASSOWER, Esq.  
Attorney for plaintiff  
283 Soundview Avenue,  
White Plains, N.Y. 10606  
914-328-0440

To: Paterson, Belknapp, Webb & Tyler, Esqs.  
David J. Gilmartin, Esq.  
Robert Abrams, Esq.

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STATE OF NEW YORK )  
CITY OF NEW YORK ) ss.:  
COUNTY OF KINGS )

GEORGE SASSOWER, Esq., first being duly sworn,  
deposes, and says:

This action arises out of a very unusual and  
unique state of facts which occurred in 1977-78.

It is manifestly clear, particularly from the  
most recent protective order of the Suffolk County  
Attorney that disposition of pre-trial disclosure be set  
forth in a single comprehensive order, rather than dealt  
with on a ad hoc basis.



Suffolk County Attorney:

1. The Suffolk County Attorney's Office makes no secret of his intentions with respect to his motion dated Friday, April 15, 1983, returnable on May 16th, 1983 -- 31 days later.

The Suffolk County Attorney's Office knows that its aforesaid meritless motion must be denied, as a matter of law.

Nevertheless, the Suffolk County Attorney intends to file a Notice of Appeal, secure a CPLR §5519(a) stay, and then procrastinate on perfecting its appeal.

The Suffolk County Attorney is aware of the difficulty generally encountered in vacating such stay.

2. My intention has been similarly disclosed!

Consistent with my repeatedly expressed intention to expeditiously prosecute this and related actions to conclusion, I intend to find some appealable issue, perfect such appeal for the next available term, and thereby compel my adversary to perfect his appeal.

3a. The Suffolk County Attorney intending to mislead and deceive this Court merely served a Notice of Motion (without supporting affidavit) and my Notice of Examination before Trial (Exhibit "1").

The Suffolk County cannot execute a supporting affidavit without disclosing the operative facts which mandates the defeat of his motion, as a matter of law.

Annexed is the letter of the Suffolk County Attorney which confirmed my consent to his oral request to adjourn the examinations before trial of his clients from April 1, 1983 to April 18, 1983, such letter specifically sets New York County as the place for such examinations. The requests, oral and written, is without qualification (Exhibit "2").

My written consent to such request is also annexed (Exhibit "3").

Also annexed is my letter of April 9, 1983, in anticipation of such examinations (Exhibit "4").

As the Suffolk County Attorney knows, the unqualified agreement of adjournment must be and are honored by the courts (Compagnie v. Citibank, A.D.2d , 459 N.Y.S.2d 88, 89 [1st Dept.]; Tri-State v. Sinclair, 22 A.D.2d 679, 253 N.Y.S.2d 371 [1st Dept.]; Brand v. Colgate, 21 A.D.2d 670, 671, 250 N.Y.S.2d 1, 2 [1st Dept.]; Lubicz v. Rosen, 54 A.D.2d 894, 388 N.Y.S.2d 16 [2d Dept.]; Burger v. Barnett, 48 Misc.2d 660, 663, 265 N.Y.S.2d 499, 503 [Sup. Kings]).

b. The first notice that I received that the Suffolk County Attorney and his clients did not intend to appear and submit for an examination on Monday, April 18, 1983, was on Friday, April 15, 1983 at 7:20 p.m., when the Assistant Suffolk County Attorney telephoned me.

The attendance of a court stenographer had already been arranged; I had spent several days in preparation of such examinations; examinations of other defendants had been scheduled to appear on subsequent dates in some logical sequence; I made appointments with two clients for Monday evening in New York County in expectation of this scheduled examination; and no other appointments were made for that day. In short, by reason of this last minute unjustified refusal to appear, my entire schedule has been wrecked.

The Assistant Suffolk County Attorney his actions were contrary to law and common decency, but he has been directed by Suffolk County Officials, including the Suffolk County Attorney himself, to chart a course of delay and obstruction.

c. There is a good professional relationship between the Assistant Suffolk County Attorney and myself. We are both professionals and know how to conduct examinations before trial.



I have conducted hundreds of examinations before trial and can recall only one occasion in 34 years that judicial intervention was necessary and resorted to during such examination. There has been shown no need for any supervision, and do not expect that any will be needed. It is merely a pretended excuse for delay.

If there is any unresolved problems during such examinations, I intend to make the necessary motion, so as to provide a basis for appellate review.

d. Since there was no timely motion for a protective order (CPLR 3112), the Suffolk County's meritless objections must be deemed waived.

e. Significantly, in a related action, involving my wife and daughter, the Suffolk County Attorney has failed to respond to a Notice to Admit served more than seven months ago, and the contents of same are deemed admitted.

This callous intentional and deliberate disregard for law, judicial rules, and basic decency, by the Suffolk County Attorney and his clients mandates the imposition of \$10,000 costs. They may have acted and might have been treated as above the law in Suffolk County, but they must now recognize that this action has been removed from such county to New York County.

\* \* \*

A brief resume of the chronology of events underlying this litigation is manifestly necessary in order to properly comprehend the necessity for the comprehensive relief requested herein. Some evidentiary material is set forth to support what otherwise might seem incredible.

In addition the following egregious events, it has thus far been established:

1. Surrogate ERNEST L. SIGNORELLI and/or Surrogate's Court, Suffolk County have destroyed or secreted more than twenty vital incriminating judicial documents.

2. Although this action against defendant, New York News, was commenced within the one year statute of limitations, it nevertheless destroyed all essential underlying documents after this action was commenced.

3. Art Penny, the "stringer" for the New York News who authored the libelous articles, also destroyed his notes and records.

June 22, 1977

Surrogate Signorelli, without charging or notifying me, held a mock inquest, rendered a verdict, and sentenced me to be incarcerated in the Suffolk County Jail for criminal contempt all in absentia.

Surrogate Signorelli gave pertinent (and incredible) testimony before Hon. Aloysius J. Melia, appointed by Order of the Appellate Division, First Judicial Department.

After Surrogate Signorelli gave several dodges to my question as to whether I had been "charged" with criminal contempt, the following was asked of Surrogate Signorelli (Oct. 30, 1978-SM 48):

"THE REFEREE: Just a moment. The question is whether or not on that day you legally charged him [George Sassower]. That is what we are down to."

Surrogate Signorelli continued with his quileful equivocations to Judge Melia's questions.

Finally, when he could no longer avoid a direct response, and after admitting that I was not "charged" in writing, this former Assistant District Attorney, County Court Judge, and Acting Supreme Court Justice, Surrogate Ernest L. Signorelli, in response to Judge Melia's bluntly-put question as to whether I "was charged orally" actually stated (SM 50):

"Well, I don't know what the word 'charge' means precisely. ..."



After still more obvious shiftiness by Surrogate Signorelli, the following appears (SM 51):

Q. At any time prior to June 22, 1977 [the date I was tried, convicted, and sentenced in absentia], did you advise me that a hearing or trial would take place on the contempt on June 22, 1977?

A. No, but I did advise you --

Q. Yes or no?

A. I'm sorry, I cannot answer that question in that way."

At that, the Referee, himself a former Assistant District Attorney and Criminal Court Judge, looking directly at former Assistant District Attorney and County Court Judge, ERNEST L. SIGNORELLI, sternly, but without raising his voice, stated (SM 51):

"Yes, you can, Judge."

It took another two pages of testimony before Surrogate Signorelli finally admitted that the answer was "No" (SM 53).

June 23, 1977

In the early hours of the morning, Surrogate Signorelli, now assuming the role of Suffolk County Sheriff, dispatched two Deputy Sheriffs beyond their statutory and common law jurisdictional bailiwick (People ex re Fallin v. Wright, 150 N.Y. 444, 448; Hill v. Hayes, 54 N.Y. 153; Mazzo v. County of Monroe, 58 A.D.2d 1017; Winkler v. Sheriff, 256 App. Div. 770, 771; Isereau v. State, 207 Misc. Rep. 665, aff'd [Farley v. State] 3 A.D.2d 813; Fonfa v. State, 88 Misc.2d 343, 348; County Law §650; Public Officers Law §2; Criminal Procedure Law §1.20 [34-b]; 61 A.L.R. 377; 70 Am Jur 2d., Sheriffs, Police, Constables §27, p. 150-151; 5 Am Jur 2d., Arrest, §19, p. 710; 6A CJS, Arrest §53b, p. 125; 54 NY Jur., Sheriffs, Constables, and Police, §37, p. 295) to my home in Westchester County.

While getting dressed, I surreptitiously prepared a Writ of Habeas Corpus, requested (request denied), then demanded (demand denied), that I be taken to a nearby Justice of the Supreme Court to present my Writ. My requests that I be taken before a Justice of the Appellate Division or to a United States Judge were likewise refused.

Except for the limited purpose of making one telephone call in an attempt to reschedule my appointments for the day, I was not permitted to communicate with anyone who could aid me legally in the situation prevailing.

I was not taken to a local magistrate, but abducted to Suffolk County. During the four-county journey from Westchester to Suffolk County, I demanded that I be taken to the Supreme Court of each of the counties, depending on the location at the time, to present my Writ of Habeas Corpus, which demands were refused or ignored.

When the Sheriff's vehicle was near or in Suffolk County, I insisted that I either be taken to the Supreme Court in Suffolk County or to the Suffolk County Jail (as specifically provided in the Commitment Order), which demand was also refused. Manifestly the Suffolk County Deputy Sheriffs ignored the plain language of the Warrant of Commitment.

A radio conversation took place on route between the abducting deputies and their superiors with respect to my requests and demands, and they were instructed to take me only to Surrogate's Court and not allow me to present my Writ.

When I arrived at Surrogate's Court, I was kept under close custody. Repeatedly, I made demand that I be permitted to present my Writ to a nearby Justice of the Supreme Court and be allowed to make telephone calls at a telephone booth a dozen feet away. These demands were consistently refused or ignored.



Three times, at my insistence, one of the abducting officers went into the chambers of Surrogate/Sheriff Signorelli to convey my demands that I be permitted to present my Writ of Habeas Corpus and make telephone calls. Each of these requests/demands were refused by Surrogate/Sheriff Signorelli.

I was not informed of my rights nor was I given any!

Thereafter on a transcribed record of the Surrogate's Court, I requested a few minute recess to present my Writ to a nearby Justice of the Supreme Court, which was likewise not given.

I was made the subject of intimidating remarks when I asserted by constitutional rights by the Surrogate/Sheriff and his former campaign manager, the attorney for the Public Administrator, Anthony Mastroianni (who also assaulted me).

When I continued to claim my constitutional rights, I was allowed to make only one fruitless telephone call (the attorney I telephoned was not in), and no more, and then I was finally transported to the County Jail.

The shocking and palpably false response of Surrogate Signorelli at the hearing of October 30, 1981 to a question posed by Judge Melia, after Surrogate (a former County Court Judge and Assistant District Attorney) Signorelli, responded to my question in his usual evasive, enigmatic manner, tells, in an of itself, an unbelievable story (SM 63-64):

" THE REFEREE: That was not the question. The questions was: Did you believe that he [George Sassower] had a right to advance the 5th Amendment and decline to answer the questions at the point that he interposed the 5th Amendment?

THE WITNESS: No, I believe he did not have that right."

June 23, 1977 - Appellate Division

1. My prepared writ was presented to a Supreme Court Justice, released on \$300 bail, and the writ was made returnable on Monday, June 27, 1977.

2. Unknown to me, a colleague in New York City learning of my situation, and after my writ was tendered, went to the Appellate Division to present his own prepared Writ of Habeas Corpus on my behalf.

A conversation took place, between Associate Justice FRANK A. GULOTTA or the Clerk of the Appellate Division, IRVING N. SELKIN, Esq. and Surrogate Signorelli, and as a result thereof, bail was denied.

Did Surrogate Signorelli tell Justice Gulotta, with respect to my incarceration, for which a Writ of Habeas Corpus was sought, that I was never charged with criminal contempt, not notified of any criminal contempt trial, tried, convicted, and sentenced all in absentia?

In other words did Surrogate Signorelli advise Justice Gulotta of the operative facts in crystal clear terms?

June 24, 1977

Art Penny receives three or four telephone messages to proceed to Surrogate's Court for a "hot" story.

Art Penny testified that he went to the Surrogate's Chambers, and as his article stated:

"the judge (Signorelli) explained (to Art Penny) that he allowed Sassower to purge himself of the contempt charges by giving Mastroianni a complete accounting of the estate."

There is no question that this and other defamatory statements concerning plaintiff as published by the News are false and contrived. During the months and years that followed, no attempt was made by the defendants to correct the false facts in the published articles.

Legally significant is that on this particular day there was no judicial proceeding involving plaintiff, directly or indirectly.

There is no question that such press interview by Surrogate Signorelli violated Judicial Canons, were not made as any of any judicial proceeding, and consequently judicial immunity did not exist.

The evidence will reveal a peculiar relationship existing between officials on Long Island and members of the press. While purportedly working for the press, many of them had second jobs, and received remuneration from political figures.

The press was not reporting on the workings of government and public officials, but instead government and public officials were using press employees as publicity agents and as "hit men".



Harry Schlagel, for example, Art Penny's immediate superior, and editor of the political section of the New York News had a second politically appointed job on a legislative committee. Obviously nothing detrimental about his appointors was published by the New York News over which he had control.

This seems clear when the Chairman of the legislative committee who employed him ran for Mayor against Hon. John V. Lindsay. These facts were known by the higher officials of the New York News.

Neither Art Penny nor the Daily News were interested in the true facts. The facts were not checked before publication, as the Daily News asserts was its practice. These two published defamatory articles concerning plaintiff were published at the request of Surrogate Signorelli in an attempt to discredit plaintiff and as a cover for his own egregious conduct in this matter.

July 18, 1977

Federal Judge signs my Order to Show Cause, made returnable July 22, 1977.

July 13, 20, 21, and 22, 1977

Hearings were held in Supreme Court, Suffolk County with respect to my Writ of Habeas Corpus. The mere fact that I was compelled to travel to Suffolk County four times for this trial under the admitted facts in this incarceration, reveals an intent to harass by judicial procedures. My Writ should have been sustained forthwith, instead it had to await the "gun to the head" edict of the federal court to bring this charade to a conclusion, and then before the testimony by Surrogate Signorelli.

July 22, 1977

Federal Court adjourned by the Court, my Order to Show Cause pending the outcome of the State proceedings.

Federal Judge in adjourning matter, advises me that if my Writ was not sustained, and I had one telephone call to make, I should make that call to him.

Assistant Attorney General advised that if I am not given the opportunity to make such telephone call, he should make such telephone call on my behalf. Assistant Attorney General was clearly advised that a conviction under the aforementioned egregious circumstances was manifestly and blatantly unconstitutional and outrageous.

When we returned to State Supreme Court following Federal Court appearance, the Supreme Court was advised of what had happened, the proceeding were immediately terminated, and my Writ sustained.

Attorney General, at the insistence of Surrogate Signorelli, succumbs to pressure, files a Notice of Appeal from the Order which sustained my Writ of Habeas Corpus, although Surrogate Signorelli is expressly told and knows that such appeal is absolutely meritless, and being taken at public expense.

January 27, 1978

My Order to Show Cause is signed in Federal District Court requesting that defendants' (Surrogate Signorelli, and his entourage) be stayed "from harassing (me) and those with whom (I have) business, professional and social engagements".

February 3, 1978

Return date of Order to Show Cause, Surrogate Signorelli, through his attorney, is advised by the Federal Court that the Surrogate change his ways, recuse himself, or federal intervention will be seriously considered.

Surrogate Signorelli advised by telephone of the events from the Chambers of the Federal Judge, and as a result of this conversation, the Federal Court is advised by Surrogate Signorelli's that the Surrogate

"never directed (my) wife to appear in [Surrogate's] Court, that (the) ... accounting (proceeding) has been concluded ... (therefore) my motion is) moot ... there is no present action before Judge Signorelli."



Although it was also represented that Surrogate Signorelli would submit an affidavit confirming such (mis)representations, in fact he never does.

February 24, 1978

Despite the aforementioned misrepresentations to District Court, in order to forestall injunctive relief against him, Surrogate Signorelli defames me and my wife (who completely terminated herself from the estate many months before, and over whom Surrogate Signorelli had no jurisdiction whatsoever). This Signorelli diatribe which decided nothing and was not intended to decide anything is published in haec verba in the New York Law Journal on March 3, 1978 (see Matter of Haas (33 A.D.2d 1, 304 N.Y.S.2d 930 [4th Dept.]).

Legally significant is that this diatribe falsely recites incidents in places other than Surrogate's Court wherein Surrogate Signorelli had absolutely no jurisdiction over myself nor my wife.

The falsity of this published defamation, is carefully examined in my two hundred twenty nine (229) page affidavit sworn to on June 16, 1982, filed in the Appellate Division, First Department, a copy of which was served upon Presiding Justice Milton Mollen, the Suffolk County Attorney, and the Attorney General.

The Table of Contents to such affidavit appears partially as follows:

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As set forth in my affidavit, I resorted almost exclusively (p. 41):

"to only the most clear and convincing evidence, to wit, the admissions of Surrogate Signorelli himself and his staff, as well as documentary evidence of the Surrogate's Court, in establishing that the publication by Surrogate Signorelli is a farrago of patent lies against my wife and myself."

This published diatribe by Surrogate Signorelli concluded as follows:

" I am accordingly directing the Chief Clerk to forward a copy ... to the Presiding Justice of the Appellate Division, Second Judicial Department, for such disciplinary action as he may deem appropriate with regard to the conduct of George Sassower and Doris Sassower."

Surrogate Signorelli testified before Judge Melia that he knew that such published complaints were supposed to be confidential.



Unquestionably, for conduct after recusal, Surrogate Signorelli could not claim any judicial immunity (Reimer v. Short, 578 F.2d 621, 628-629 [5th Cir.]).

March 8, 1978

I, in the meantime, had been served with an Order to Show Cause at the instance of a private party, the Public Administrator, to hold me in criminal contempt. After I submitted an opposing affidavit, the matter was set down for trial on a date without any prior consultation as to whether same was convenient or available.

I submitted an affidavit that I was actually in the midst of trial in Supreme Court, Bronx County.

Again, I was tried, convicted, and sentenced in absentia. I wrote to the County Attorney, asserted the invalidity of the Warrant of Commitment, and further stated:

"If you desire to proceed, you or the Sheriff may telephone and I will make arrangements to be in Special Term in New York, Bronx, or Westchester County at your desired time of arrest."



Instead of accepting this offer of making an easy arrest (at a place where I can secure an immediate Writ of Habeas Corpus), the Sheriff of Suffolk County has his deputies make numerous unsuccessful forays into New York City and Westchester County in their attempt to seize me at a time and place wherein I cannot obtain a Writ of Habeas Corpus.

June 9, 1978

Sheriff of Suffolk County served with motion papers returnable in Supreme Court, Westchester County, to restrain him leaving Suffolk County for the purpose of arresting me and restraining him and his deputies from preventing me in obtaining a Writ of Habeas Corpus in the county of arrest".

June 10, 1978 (Saturday)

9:30 a.m.

I am seized in Westchester County by two Deputy Sheriffs, handcuffed, prevented and prohibited from communicating with anyone, including counsel. Once more all attempts to present a Writ of Habeas Corpus denied.

On route to Suffolk County, I tried to gain the attention of the local police, and while handcuffed, am physically beaten by defendant, Anthony "Arnold Schwarzenegger" Grymalski and his partner.

Interestingly, thereafter, I am charged with second degree assault, for, while handcuffed, assaulting this "Arnold Schwarzenegger" deputy sheriff, allegedly sending him to the hospital, and causing him to lose eleven (11) days of work.

The Westchester County Judge, a former U.S. Marshal in Brooklyn, who stated that as such Marshal, he could not cross the Brooklyn Bridge to make an arrest in Manhattan, questioned the authority of the Suffolk County Sheriff in Westchester County. The Judge, comparing the physical build of the Deputy Sheriff and myself, knowing that he had a fellow deputy present at the time of the altercation, and that I was handcuffed during the incident, did not have to question who had assaulted who. The case was thrown out (one of the nine causes of action against defendants is for malicious prosecution).

At about 8:30 p.m., my wife, accompanied by my daughter, presented a Writ of Habeas Corpus, directing my immediate release on my own recognizance.

For presenting such Writ and without any charge being placed against her, my wife was imprisoned in the Suffolk County Jail, without food, water, or toilet facilities.

For accompanying my wife, my daughter was likewise similarly imprisoned.

After midnight, more than three and one-half hours after service of the Writ, the Suffolk County Jail received a telephone call from the Hon. ANTHONY J. FERRARO, Justice of the Supreme Court, who signed the Writ, demanding that his Writ be obeyed. One and one-half hours later, I was released after a physical examination by a Suffolk County physician at the behest of the Sheriff, who found objective evidence of injuries caused by the Deputy Sheriffs.

Visibly moved by such allegations regarding the failure to obey a Writ of Habeas Corpus and the incarceration of my wife and daughter for presenting same, a member of the panel of the Appellate Division, Second Department, requested the Assistant Suffolk County Attorney to respond to such assertion.

The Assistant Suffolk County Attorney, who was called to the County Jail and participated in the events, shocked the Court by attempting to justify this conduct by contending that the Supreme Court Justice who signed this Writ of Habeas Corpus was "illiterate".

I have been made to believe through reliable sources that my wife's and daughter's incoummicado incarceration, was a delaying tactic motivated by the attempt of some of these defendants to modify or vacate such Writ of Habeas Corpus, during which time Hon. MILTON MOLLEN was communicated by or on behalf of some of these defendants, and subsequently Hon. ANTHONY J. FERRARO was communicated with.



The intended pre-trial disclosure of these named judicial witnesses is not intended to reflect on the impropriety of their actions. On the contrary, my information is that Hon. ANTHONY J. FERRARO acted admirably, fearlessly, and refused to succumb to any pressures. I am further informed that close to or after midnight when His Honor learned that his Writ was not being obeyed he telephoned the Suffolk County Jail and calmly read and the "riot act".

June 12, 1978

Return date of Writ of Habeas Corpus. The Law Secretary of the Acting Surrogate, HARRY E. SEIDELL, communicated, ex parte, with the Clerk and Justice of Supreme Court, Westchester County (where the Writ was returnable), attempting to influence the outcome of such proceeding, which he probably did, since the case was transferred to Suffolk County.

November 6, 1978

Surrogate Signorelli's clearly meritless appeal from the Order which sustained my first Writ of Habeas Corpus was affirmed.

The Court, in its published opinion, clearly alluded to matters not germane to the issue before it, incorporating as facts the false material from the Signorelli diatribe, which was not part of the record, nor in existence at the time of the habeas corpus trial.

Patterson, Belknap, Webb & Tyler, Esqs.

1. The News was initially represented by the firm of Townley & Updike, Esqs., and thereafter by Patterson, Belknap, Webb & Tyler, Esqs.

The News, by prior Order was directed to answer plaintiff's interrogatories, and its objection based upon Civil Rights Law §79-h and attorney-client privilege overruled.

Thereupon it filed a Notice of Cross-Appeal, and secured a stay from the Appellate Division, Second Department.

Rather than perfect its cross-appeal, the News waived its §79-h and attorney-client privileges and answered the interrogatories.

2. Plaintiff obtained an Order permitting him to examine Art Penny, as a witness, who the Patterson firm consistently maintained that they did not represent. When plaintiff took the position that they could not therefore interpose any privileges on behalf of Penny, they "solicited" him as a client.

Admittedly the News is footing the bill for this representation of Penny. The Patterson firm is clearly concerned about protecting the interests of the News, not Penny, in this joint, but conflicting representation.

At the examination before trial, presently scheduled to be continued on April 29, 1983, several substantive legal problems have arisen.

a. Can Penny, a non-party, raise the defense of §79, when his employer has waived same?

b. Is there a §79-h privilege, when the published articles disclose some of the informers and the purported statements made by them?

c. Is there an attorney-client privilege for post-retainer statements, when the retainer is not to advise the witness, but to protect the employer, who has waived the privilege?

d. Is there any attorney-client privilege where the publisher and reporter have both destroyed all their material on the subject, and now, after some obviously heavy coaching between the morning and afternoon sessions, the witness almost consistently denies recollection of anything and everything, including such very recent events of what he told the Patterson firm within the past few weeks, prior to their solicitation of him as a client?



3. Under the facts herein, it is plaintiff's position that to recognize this- solicited representation by the Patterson firm of Penny is contrary to public policy, the Canons of Ethics, and that firm should be disqualified from the representation of Penny.

Erick F. Larsen, Esq.

Erick F. Larsen, Esq., was formerly an Assistant Suffolk County Attorney representing various Suffolk County defendants in this matter.

He, not only represented his such defendants, but by his own admission at the Appellate Division, took an active part in the transactions. He, according to his own statements to the Appellate Division, was called to the Suffolk County Jail when my wife presented the Writ of Habeas Corpus directing my release, which defendants refused to honor, but instead jailed both her and my daughter.

Mr. Larsen has since left the employ of the office of the Suffolk County Attorney, but has now been retained by that office as a private attorney on a per diem basis to continue handling this and related matters.

Clearly, the well-staffed Suffolk County Attorney's Office, has retained Mr. Larsen, as a ploy, in an attempt to prevent him being the subject of any examination before trial.

Pre-Trial Disclosure of Witness

The aforementioned brief recitation reveals the manifest necessity of pre-trial disclosure of:

a. Patterson, Belknap, Webb & Tyler, Esqs. to reveal the admitted statements made by Penny to them prior to their purported representation of him; disclosure of documents and records which the News now claims it has destroyed; and other relevant material, presently unavailable.

b. Townley & Updike, Esqs., as the prior attorneys for the News, for similar information.

c. Ernest L. Signorelli, the central figure in these transactions. The dismissal of all causes of action against him, as a defendant, by a Suffolk County Judge, based on judicial immunity is presently, sub judice, at the Appellate Division since June 24, 1982.

d. Vincent G. Berger, Jr., Esq., the campaign manager of Ernest L. Signorelli, and attorney for the Public Administrator, who purportedly made a number of false and defamatory statements to Art Penny which were incorporated in the published defamatory articles.

e. Harry Schagel, the immediate superior of Art Penny, who according to the News checked the information of the Penny published articles, or in charge of such operations.

f. Erick F. Larsen, Esq., as an actor during this tortious outrageous.

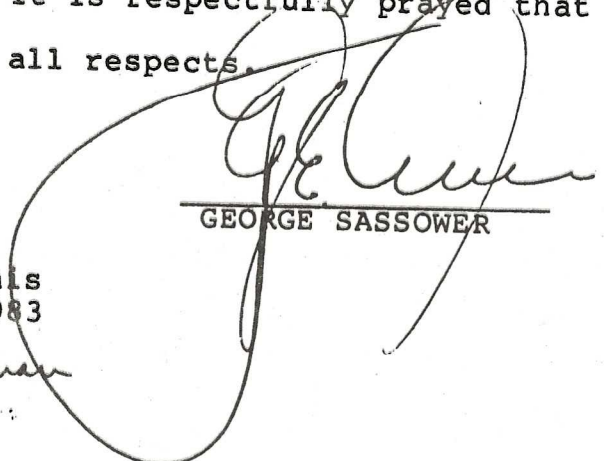
Obviously the scope of the intended examinations is not intended to be described fully herein.

It is requested that such examinations be conducted at Supreme Court, New York County, in the event rulings are required.

In transferring this action to New York County from Suffolk County it was clearly established that Suffolk County was not a neutral nor constitutional forum.

5. I assume that the form and manner of any pre-trial disclosure of Hon. Presiding Justice MILTON MOLLEN, Associate Justice FRANK A. GULOTTA, Hon. ANTHONY J. FERRARO, and Hon. IRVING N. SELKIN, can be stipulated to so as not to interfere with the performance of their other duties and to comport with due recognition of their official positions.

WHEREFORE, it is respectfully prayed that this motion be granted in all respects.



GEORGE SASSOWER

Sworn to before me this  
20th day of April, 1983

*Kenneth Silverman*

KENNETH SILVERMAN  
Notary Public, State of New York  
No. 24-4608988  
Qualified in Kings County  
Commission Expires March 30, 1985



(71-74)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----x  
GEORGE SASSOWER,

Plaintiff,

Index No.  
5774-1983

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,  
VINCENT G. BERGER, JR., JOHN P. FINNERTY,  
ALAN CROCE, ANTHONY GRIMALSKI, CHARLES  
BROWN, HARRY E. SEIDELL, NEW YORK NEWS,  
INC., AND VIRGINIA MATHIAS,

NOTICE OF MOTION

Defendants.  
-----x

PLEASE TAKE NOTICE that upon all of the pleadings had heretofore herein, and upon all relevant pleadings and proceedings had heretofore in all related State and Federal actions involving some or all of the parties herein, the undersigned will move this Court at a Special Term, Part 1A thereof, to be held at the Supreme Court of the State of New York, County of New York, at the Courthouse thereof, 60 Centre Street, New York, New York 10007, before the Justice presiding therein upon the 16th day of May, 1983, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order pursuant to CPLR section 3103, section 3104, section 3107 and section 3110:

(a) for a protective order pursuant to CPLR section 3103 vacating the plaintiff's notice of deposition dated March 15, 1983, (depositions currently scheduled to be held on April 18, 1983), upon the grounds that

under the facts and circumstances prevailing, the said notice is burdensome, vexatious, and interposed solely for the purposes of harassment and constitutes an abuse of process;

(b) in the alternative for an order limiting, conditioning, and regulating the aforementioned scheduled depositions of the defendants by the plaintiff pursuant to CPLR section 3103 in order to prevent abuse, unreasonable annoyance, and harassment of the defendants by the plaintiff;

(c) for an order in the alternative appointing one of the Judges or a referee to supervise all depositions, as well as all future disclosure proceedings in this action pursuant to CPLR section 3104;

(d) for an order in addition and in the alternative modifying the aforementioned notice of deposition pursuant to CPLR sections 3103 and 3110 directing that depositions of the Suffolk defendants, public officials of Suffolk County, Sheriff John P. Finnerty, former Warden Regula, and Public Administrator Mastroianni, be taken, and the location thereof be limited to the Supreme Courthouse within the County of Suffolk located on Griffing Avenue, Riverhead, New York;

(e) and for such other and further relief  
as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR  
section 3103(b) the scheduled depositions of the defendants  
by the plaintiff brought on by notice of deposition dated  
March 15, 1983 (annexed hereto as Exhibit A), which are  
currently scheduled to be held on Monday, April 18, 1983,  
ARE HEREBY SUSPENDED pending determination of this applica-  
tion by the Court.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR  
section 2214(b), demand is hereby made that all opposing  
papers be personally served upon the undersigned at least  
eight (8) days before the return date of this motion, or  
at least thirteen (13) days before the return date of this  
motion, if service is by mail (CPLR section 2103).

Dated: Hauppauge, N.Y.

April 15, 1983

Yours, etc.

DAVID J. GILMARTIN  
Suffolk County Attorney  
Attorney for Suffolk defendants  
H. Lee Dennison Building  
Veterans Memorial Highway  
Hauppauge, New York 11788  
Tel: (516) 360-5030 or  
360-3727

ERICK F. LARSEN, Of Counsel



TO:

GEORGE SASSOWER, ESQ.  
Plaintiff Pro Se  
283 Soundview Avenue  
White Plains, New York 10606

ROBERT L. ABRAMS  
Attorney General of the State of New York  
Attorney for defendant Judge Signorelli  
Two World Trade Center  
New York, New York 10047

PATTERSON, BELKNAP, WEBB & TYLER, ESQS.  
Attorneys for defendant New York New York, Inc.  
30 Rockefeller Plaza  
New York, New York 10020  
Attention: Zoe Mendes, Esq.



*filed*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
-----x

GEORGE SASSOWER,

Plaintiff,

Index No.  
5774-1983

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,  
VINCENT G. BERGER, JR., JOHN P. FINNERTY,  
ALAN CROCE, ANTHONY GRYMALSKI, CHARLES  
BROWN, HARRY E. SEIDELL, NEW YORK NEWS,  
INC., AND VIRGINIA MATHIAS,

Defendants.

-----x

S I R S:

PLEASE TAKE NOTICE that pursuant to Article 31  
CPLR, plaintiff will take the deposition upon oral  
examination of defendants, ANTHONY MASTROIANNI, JOHN P.  
FINNERTY, ALAN CROCE, and ANTHONY GRYMALSKI, in the  
above matter on the 1st day of April, 1983, at 9:30  
o'clock in the forenoon of that day, at Special Term  
Part II of the Supreme Court of the State of New York,  
County of New York, 60 Center Street, New York, New

EXHIBIT A

York, 10007, before the Presiding Justice, the Clerk of the Court, a notary public or other officer authorized by law to administer oaths and take depositions. Said examination shall concern all evidence necessary and material to the remaining issues in this matter.

That the said persons to be examined are required to produce at such examination all unprivileged documents considered relevant to the issues in this action.

Dated: March 15, 1983

Yours, etc.,

GEORGE SASSOWER, Esq.  
Plaintiff, pro se.  
283 Soundview Avenue,  
White Plains, N.Y. 10606  
914-328-0440

To: DAVID J. GILMARTIN, Esq.  
VINCENT G. BERGER, JR., Esq.  
IRWIN KLEIN, Esq.  
ROBERT ABRAMS, Esq.  
PATTERSON, BELKNAP, WEBB, & TYLER, Esq.

COUNTY OF SUFFOLK



DAVID J. GILMARTIN  
COUNTY ATTORNEY

DEPARTMENT OF LAW

March 29, 1983

George Sassower, Esq.  
283 Soundview Avenue  
White Plains, New York 10606

Re: Sassower v. New York News, Inc., et al. and  
Sassower v. Signorelli, et al.  
Supreme Court, New York County and  
App. Div. 2nd Department

Dear Mr. Sassower:

This will serve to confirm our telephone conversation  
of Monday, March 28th, 1983.

In light of the fact that Friday, 4-1-83 is a religious  
holiday (Good Friday), at my request you have agreed to adjourn  
plaintiff's deposition of the Suffolk defendants for two weeks to:  
Monday, April 18, 1983 at 10:00 A.M., Supreme Court, New York  
County. Kindly initial the enclosed copy of this letter for my  
file and return in the self-addressed stamped envelope enclosed.

I have just concluded my initial review of plaintiff-  
appellant's Brief and Appendix dated March 18, 1983. I was  
deeply concerned in reviewing the Appendix to find that you have  
omitted from the Appendix, copies of all exhibits referred to in  
my Affirmation in Opposition dated 8-27-82, which appears at  
pages A-51 through A-57 of the Appendix. I firmly believe that  
pursuant to the Rules of the Court that it was and is plaintiff-  
appellant's obligation to include these essential exhibits in the  
Appendix. At your earliest convenience please advise as to whether  
you intend to include these documents in the original Appendix, or  
Supplemental Appendix, etc. If you believe that the documents  
were properly omitted, and do not intend to include same, please  
advise so that I may make appropriate arrangements such as preparing  
my own Supplemental Appendix.

Thank you for your past and anticipated courtesies in these  
matters.

Very truly yours,  
*Erick F. Larsen*  
ERICK F. LARSEN  
Of Counsel

EFL:las  
Enclosures

CC: (see attached page)

George Sassower, Esq.

-2-

3/29/83

CC: Patterson, Belknap, Webb & Tyler, Esqs.  
30 Rockefeller Plaza  
New York, N.Y. 10020  
Attention: Zoe Mendes, Esq.

Robert Abrams, Esq.  
Attorney General  
Two World Trade Center  
New York, New York 10047  
Attention: Jeffrey Slonim, Esq.



GEORGE SASSOWER

ATTORNEY AT LAW

016/888-0440

283 SOUNDVIEW AVENUE  
WHITE PLAINS, N. Y. 10606

April 1, 1983

Erick F. Larsen, Esq.  
c/o David J. Gilmartin, Esq.  
Suffolk County Attorney  
Veterans Memorial Highway,  
Hauppauge, New York, 11788.

Re: Sassower v. Signorelli

Dear Mr. Larsen,

1. I acknowledge and confirm your letter of the 29th inst. regarding your requested adjournment to April 18, 1983, at Supreme Court, New York County.

2. I believe it would serve our mutual purposes if I here reiterate some of other remarks made during our telephone conversation, particularly in light of your reference in your letter to my most recent appeal.

a. While it would be my pleasure to extend to you every professional and social amenity, my paramount intention is to expeditiously prosecute this and related matters to conclusion.

b. I have every intention of pursuing pre-trial disclosure to the fullest until I have unearthed every pertinent particle of information relevant to the issues.

3. I expect full, complete, and good faith cooperation in obtaining such disclosures. Any lack of cooperation will only entail additional, but needless, expense in time and money, on my part as well as on the part of your clients.

4. Now that we are no longer in Suffolk County, I can better resort to examinations before trial and other disclosure devices requiring personal attendance, which should supply me with the information that I requested in my Interrogatories.

Exhibit "3"

April 1, 1983

When we first met, years ago, I told you this is not a matter only of tortious and unconstitutional transgressions, but also a philosophical and historical obligation to expose and resist Gestapo and Storm Trooper tactics and mentality.

We should not surrender or compromise with the concepts enunciated in Carpenter's Hall more than 200 years ago. It is what Passover and Easter are really all about -- the struggle for freedom, dignity, and right to believe.

Erick, fight for your clients, albeit wrong, legally and morally, but do them and yourself a favor, expedite the matter to its inevitable conclusion. You might beat Sassower, the litigant -- but insofar as his struggle embodies the idea concerning the civilized aspirations of man, your clients do not have a chance.

Responding to your question directly: Since the nisi prius did not find you exhibits relevant, and since case law hold that absent a motion for a protective order inquiry is precluded on a motion for sanctions, the reproduction of the exhibits would serve no legitimate purpose.

If you desire to disregard my suggestion I made herein and answer the Interrogatories, you have the right to reproduce the exhibits as part of your appendix.

Have a Happy Easter.

Very truly yours,

GEORGE SASSOWER

GS/bh

GEORGE SASSOWER

ATTORNEY AT LAW

914/328-0440

283 SOUNDVIEW AVENUE  
WHITE PLAINS, N. Y. 10606

April 9, 1983

David J. Gilmartin, Esq.  
Suffolk County Attorney  
Veterans Memorial Highway,  
Hauppauge, New York, 11787

Att: Erick F. Larsen, Esq.

Re: Sassower v. Signorelli

Dear Mr. Larsen,

I would appreciate it if you would advise me by return mail as to the order in which you will submit your clients for examination on April 18th, 1983, so that I can prepare accordingly.

I would also appreciate it if you will advise me whether you intend to adopt my suggestion and answer my interrogatories before such examination, and possibly shorten the examination thereby.

Furthermore, since in the related case of Doris L. Sassower and Carey A. Sassower the matters contained in the Notice to Admit are deemed admitted in that action by reason of your failure to respond, I wonder if we can stipulate that they shall also be deemed admitted for the purpose of this action and thereby shorten the examination before trial.

Your immediate response will be very much appreciated.

Very truly yours,

  
GEORGE SASSOWER

GS/h

Exhibit "4"