

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

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GEORGE SASSOWER,

Plaintiff,

-against-

New York Co.
Index #5774-1983

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,

Suffolk Index #
78-17671

AFFIRMATION

Defendants.
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ERICK P. LARSEN, an attorney, under penalties of perjuries pursuant to CPLR 2106 affirms the truth of the following:

1. I am associated of Counsel to the Suffolk County Attorney, attorney for the Public Administrator Anthony Mastroianni, the Sheriff John P. Finnerty, and Deputy Sheriffs Alan Croce and Anthony Grymalski (hereinafter the Suffolk defendants).

2. I make this affirmation in support of the Suffolk defendants' application for a protective Order (dated April 15, 1983) which was made originally returnable upon the 16th day of May, 1983, but which was consolidated for hearing simultaneously with the plaintiff's application (originally returnable on the 5th day of May, 1983), with both applications now being returnable on the 24th day of May, 1983.

3. So as not to have to repeat that which I have submitted to this Court in opposition to the plaintiff's application, I hereby respectfully incorporate herein by reference the affirmation in opposition by myself, ERICK F. LARSEN, dated May 4, 1983 (hereinafter "Larsen affirmation").

4. In the "Larsen affirmation", a brief overview of the history of abuse by the plaintiff by the Suffolk defendants, and the unanimous reaction of the state and federal Courts was set forth.

5. Annexed hereto as Exhibit "A" is a copy of plaintiff's recently served amended document demand and notice of discovery and inspection dated May 9, 1983. This notice clearly shows that the plaintiff is seeking to conduct discovery on issues which have been repeatedly decided against him in related proceedings in the federal trial and appellate Courts (See Exhibit "E" to "Larsen affirmation").

6. Plaintiff's notice of deposition of the Suffolk defendants dated March 15, 1983, which is annexed as Exhibit "A" to defendant's notice of motion for a protective Order, clearly discloses that plaintiff is seeking to abuse the discovery processes of this Court. He has noticed all of the Suffolk defendants to be deposed all at the same time, all on the same day. Repeated attempts by the affirmant to convince the plaintiff to conduct the depositions in Suffolk County have fallen on deaf ears. It is obvious to your affirmant that the plaintiff, pro se, takes great pleasure in the thought of being able to abuse the Suffolk defendants by forcing them to all appear and sit around

the Supreme Courthouse in Manhattan, while the plaintiff conducts this eccentric charade.

7. The Suffolk defendants truly are in need of the protection of this Court so as to avoid the imminent abuse which plaintiff seeks to perpetrate upon the guise of discovery. Defendant Sheriff has truly been suffering from a serious illness from which he is still convalescing. It would be a terrible hardship for him to be forced to travel to the Supreme Courthouse in Manhattan under the circumstances (See letter from the Sheriff's Department dated May 3, 1983, annexed as Exhibit "B").

8. Prior to submitting the Suffolk defendants' application for a protective Order, your affirmant contacted the defendant Public Administrator, ANTHONY MASTROIANNI. The Public Administrator of Suffolk indicated that he currently has more than one hundred active current cases in which full letters of administration have been granted to him in his official capacity. Because of budgetary constraints, all of the work on these cases is his sole responsibility since he only has a staff consisting of three clerical employees.

9. In addition to the aforementioned cases, the Public Administrator has another one hundred cases currently pending in which limited letters of administration have been granted to him in his official capacity. It is the duty of the Public Administrator to personally inspect and maintain the physical assets in each of the Estates which he administers. He must also be present during such event as appraisals, transfers and

Surrogate Court conferences.

10. He must personally conduct the required official investigations to locate Estate property and heirs.

11. He informs your affirmant that he has not taken a full two week vacation at anytime throughout his long tenure as Public Administrator strictly because of the incredible demand on his time and for his services as a result of his official duties.

12. In addition, the Public Administrator advises your affirmant that he rarely travels to Manhattan either in the course of his official duties or in his personal life. On the rare occasions that he does travel to Manhattan, it is almost always during the evening or on weekends when conditions are obviously less burdensome upon his time.

13. Both the Sheriff personally and the Public Administrator personally are willing and able to submit affidavits supporting the information which your affirmant has set forth herein upon their behalf.

14. WHEREFORE, it is respectfully requested that this Court enter a protective Order preventing the plaintiff from continuing the abuse which he seeks to inflict upon the Suffolk defendants. It is respectfully requested that this Court order any and all discoveries sought by the plaintiff against the Suffolk defendants, to be submitted to this Court for its

scrutiny and permission in the first instance. In addition,
it is respectfully requested that the Court order the plaintiff
to conduct any discovery requiring the Suffolk defendants personal
appearance, exclusively within the County of Suffolk, and
preferrably at the Supreme Courthouse in Suffolk County.

Dated: May 17, 1983
Hauppauge, New York



ERICK F. LARSEN

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

-----x
GEORGE SASSOWER,

Plaintiff,

Index No.
5774-1983

-against-

ERNEST I. SIGAL, ANTHONY MASTROIANNI,
JOHN P. FINNERTY, ALAN CROCE, ANTHONY
GRYMALSKI, HARRY E. SEIDELL, NEW YORK
NEWS, INC., and VIRGINIA MATHIAS,

Amended
Notice

Defendants.
-----x

S I R S:

PLEASE TAKE NOTICE that pursuant to Rule 3120(a) of the Civil Practice Law and Rules, the plaintiff in this action demands that defendants, ANTHONY MASTROIANNI, JOHN P. FINNERTY, ALAN CROCE, ANTHONY GRYMALSKI, in this action produce and permit discovery by said plaintiff or those authorized to act on his behalf all documents, records, files and papers in your possession or under your control pertinent to this action and in particular those regarding the Estate of Eugene Paul Kelly; the issuance and execution of warrants of commitments against plaintiff; rules and procedures for the execution of warrants of commitment

Ex A

outside of Suffolk County in June of 1977 through June of 1978; all records regarding the execution of warrants outside of Suffolk County for a period of 15 years prior to June of 1978 records; any and all records regarding plaintiff, his wife, and daughter; and the rules and regulations during the period of June of 1977 through June 1978 in effect for the confinement of prisoners held in contempt.

PLEASE TAKE FURTHER NOTICE that the said documents, records, files and papers are to be produced on the 19th day of May, 1983, at 10:00 o'clock in the forenoon of that day, at the Clerk's Office of Special Term Part II, of the Supreme Court, New York County at which time they will be inspected and copied or photocopied.

Dated: May 9, 1983

Yours, etc.,

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

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

COUNTY OF SUFFOLK



PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

SHERIFF'S OFFICE

May 3, 1983

JOHN P. FINNERTY
SHERIFF

Mr. Erick Larsen, Esq.
Department of Law
H. Lee Dennison Bldg.
Veterans Memorial Hwy.
Hauppauge, NY 11787

RE: Sassower, George

Dear Mr. Larsen:

Please be advised of the following information as per our previous phone conversation. During this month of February 1983, Sheriff John P. Finnerty was admitted to Columbia Presbyterian Hospital of New York City for a major operation of a nerve in the back of his neck/spinal column. Sheriff Finnerty underwent two major operations during a period of a few weeks at Columbia Presbyterian. A convalescent period of more than a month for the Sheriff was prescribed by his physicians.

The Sheriff also could not leave his home under doctors orders during said convalescent period. Since that period of time the Sheriff has been on limited duty with a neck and shoulder brace. He is still under strict doctors care, cannot drive a car and has limited movements.

As you are aware, our Correctional Facility has been at an extreme over-crowding condition coupled by a crucial shortage of manpower.

As to the manning of the Internal Affairs Section, one of our investigators has suffered a severe heart attack and has been unable to return to work. This in itself plus our manning shortage has decreased this section's operations by at least 25%.

Our work level due to all of the aforementioned facts and as indicated in this Department's Annual Report for 1983, leaves little room for additional time consumption of other matters.

EX B

If I may be of any further assistance to you, please do not hesitate in contacting me.

Very truly yours,



Sgt. Inv. Alan J. Croce
Commanding Officer
Internal Affairs Section

By direction of: John P. Finnerty
Sheriff

AJC:mt