

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

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GEORGE SASSOWER,

Plaintiff,

-against-

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

New York Co.  
Index #  
5774-1983

Suffolk Index #  
78-17671

NOTICE OF CROSS MOTION

Defendant.  
-----X

PLEASE TAKE NOTICE, that upon all of the pleadings and proceedings had heretofore herein, and upon the annexed affirmation of ERICK F. LARSEN, the undersigned will move this Court at a Special Term, Part 1A, 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 30th day of June, 1983, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an Order:

- A. of protection pursuant to CPLR, Section 3103 vacating the Plaintiff's "amended notice" of discovery and inspection dated May 9, 1983, upon the grounds that it is burdensome, vexatious, improper, submitted in bad faith, constitutes harrassment and is otherwise null, void and defective;
- B. for such other and further relief as this Court may deem just and proper.

Dated: Hauppauge, New York  
June 21, 1983

Yours, etc.,

DAVID J. GILMARTIN, Suffolk  
County Attorney  
Attorney for Suffolk Defendants  
H. Lee Dennison Building  
Veterans Memorial Highway  
Hauppauge, New York 11788  
(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

HON. ROBERT ABRAMS,  
Attorney General of the State of New York  
Attorney for Defendant  
Two World Trade Center  
New York, New York 10047

PATTERSON, BELKNAP, WEBB & TYLER, ESQS.  
30 Rockefeller Plaza  
New York, New York 10112  
Attn: Zoe Mandes, Esq.

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SUPPORTING AFFIRMATION

Defendants.  
-----X

ERICK F. LARSEN, an attorney at law, affirms the truth  
of the following under the penalties of perjury:

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 Sheriff's Alan Croce and  
Anthony Grymalski (hereinafter the Suffolk Defendants).

2. I make this affirmation in opposition to the Plaintiff's  
application to strike the answer of the Suffolk Defendants, and  
in support of the Suffolk Defendants' cross motion for a protective  
order.

3. Since several related applications of the parties  
concerning discovery are outstanding and have been consolidated  
for purposes of determination, in order to avoid unnecessary  
duplication and redundancy, your affirmant respectfully incorporates  
herein by a reference the "Larsen affirmation dated May 4, 1983"  
and the "Larsen affirmation dated May 17, 1983".

4. The instant applications, by Plaintiff to strike, and by Defendants for a protective order, directly concern the Plaintiff's "amended notice" of discovery and inspection (annexed as Exhibit "A" to 5-17-83 Larsen affirmation) which calls for the production of:

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 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 of 1978 in effect for the confinement of prisoners held in contempt.

5. On its face, the "amended notice" is improper and definitely appears to be an exercise in harassment rather than a good faith effort at obtaining discovery relevant to the issues to be litigated. It must be kept in mind that Plaintiff pro se is a highly intelligent and thoroughly experienced attorney with an active practice.

6. Clearly a discovery request for "all documents, records, files and papers. . .pertinent to this action" is a completely improper discovery request because it fails to fairly particularize the information sought to be discovered. Literal compliance with this demand would surely result, especially in light of the history and parameters of this particular litigation, in production of

hundreds if not thousands of pages of documents, most of which copies are already in Plaintiff's possession and which would not materially enlighten the Plaintiff as to any factual issue which might arise at trial.

7. The absolutely vexatious nature of this discovery request can be clearly gleaned from that part of the request which concerns execution of warrants of committment. Plaintiff seeks records spanning a 15 year period of time. He makes this request with full knowledge that in related proceedings the Chief Judge of the United States District Court for the Eastern District of New York and the three Judge panel of the Second Circuit Court of Appeals determine that the Defendant Deputy Sheriffs acted properly and within their jurisdiction in executing the two warrant of committments concerning Plaintiff, George Sassower. In other words, Plaintiff is seeking thousands of pages of documents which have absolutely no bearing on this action, upon a legal issue which has firmly been decided against him. See Federal District and Circuit Court decisions previously submitted to this court in this action.

8. Moreover, personal investigation by your affirmant discloses that the Sheriff's Department of Suffolk County utilizes the services of over 20 deputy sheriffs full time in executing or attempting to execute upon thousands of warrants throughout the State of New York each year. If need be, Defendants are ready, willing and able to produce supervisory officers from the Sheriff's Department to substantiate these facts.

9. Plaintiff also seeks "any and all records regarding" his wife and daughter. Again, on its face this request is completely improper. However, when one considers the fact that the Plaintiff here, George Sassower, is actively involved in prosecuting another similar action in Westchester County in which his wife and daughter are Plaintiffs against the Suffolk Defendants involving the same facts and legal issues as are presented in this action, the impropriety and vexatiousness of the instant discovery request becomes overwhelmingly clear. George Sassower (and his word processor) are actively spewing out papers in several courts involving the same issues merely to harass the Defendants. Unless strict, unusual measures are invoked by the courts in order to deal with this problem there appears to be no limit to the abuse which will be inflicted upon the Defendants.

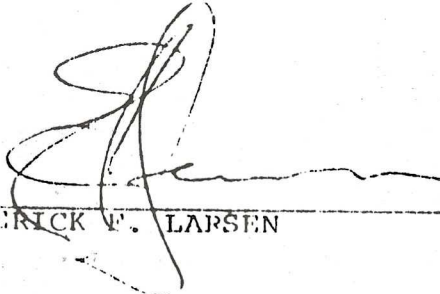
10. It should be noted that Defendants are willing to comply with any proper and reasonable requests for relevant discovery. However, in light of what has and is occurring in this action it is respectfully suggested that court imposed guidelines and limitations are absolutely necessary.

11. It also should be noted that in a normal case your affirmant as defense counsel would have immediately under the circumstances made application for a protective order with respect to Plaintiff's "amended notice". However, under the unusual circumstances in this action and especially in light of the fact that Plaintiff is in the habit of interposing multiple applications almost on a monthly basis, in order to avoid additional motion practice it was determined that the best procedure would be to

interpose a protective order as part of whatever motion the Plaintiff interposed next. It was also hoped that this discovery problem could be amicably resolved without court intervention. In this regard a letter from your affirmant dated May 18, 1983, (annexed as Exhibit "A") was duly sent to the Plaintiff.

12. It must be pointed out that prior to Justice Cappola's order enjoining the Plaintiff (and his wife) from commencing any new related litigation, each time the Defendants prevailed upon an application the Plaintiff would both appeal and commence an entirely new action. In light of this unusual conduct and in an attempt to keep motion practice to a minimum, your affirmant as defense counsel as well as defense counsel for the other Defendants in this and related actions determined that this series of litigation was a "no win situation". It is obvious that this is not normal litigation but rather a personal crusade on the part of the Plaintiff. Under the circumstances, it is respectfully requested that the court favorably exercise discretion in order to protect the Defendants.

Dated: June 21, 1983  
Hauppauge, New York



ERICK F. LARSEN