SUPREME	CC	OURT	OF	THE	STATE	OF	NEW	YORK
COUNTY	OF	NEW	YORK					

GEORGE SASSOWER,

Plaintiff, : Index No. 5774-1983

-against-

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

: AFFIDAVIT IN OPPOSITION TO PLAINTIFF'S

: MOTION FOR LEAVE

TO REARGUE

Defendants. :

STATE OF NEW YORK)

COUNTY OF NEW YORK)

ZOE MANDES, being duly sworn, deposes and says:

- 1. I am an attorney at law duly admitted to practice before the courts of this State, and I am associated with the firm of Patterson, Belknap, Webb & Tyler, attorneys for defendant New York News Inc. (the "News"). I am familiar with the facts of this case.
- 2. I submit this affidavit in opposition to plaintiff's motion, dated June 30, 1983, and made returnable July 15, 1983, for leave to reargue his prior motion which sought generally, with respect to the News, discovery of certain non-party witnesses. This affidavit does not address issues relating to the other defendants.

- 3. In an opinion dated June 20, 1983, Justice Bruce McM. Wright denied plaintiff's motion with respect to the News except to the extent that the Court granted plaintiff discovery of non-party witness Harry Schlegel.
- 4. A motion for reargument is addressed to the discretion of the Court and is designed to afford a party an opportunity to establish that the Court overlooked or misapprehended the relevant facts, or misapplied any controlling principle of law.

 Barry v. Good Samaritan Hospital, 86 A.D. 2d 853, 447 N.Y.S. 2d 331 (Second Dep't 1982); Foley v. Roche, 68 A.D. 2d 558, 418 N.Y.S. 2d 588 (First Dep't 1979). "Its purpose is not to serve as a vehicle to permit the unsuccessful party to argue once again the very questions previously decided." Foley v. Roche, supra; Fosdick v. Town of Hempstead, 126 N.Y. 651, 27 N.E. 382 (1981).
- 5. Plaintiff has not demonstrated, and indeed cannot demonstrate, even a shred of an argument to support his position that the Court, in its thorough and clearly articulated opinion, overlooked or misapprehended the relevant facts, or misapplied any controlling principle of law in ruling on plaintiff's motion.
- 6. For the reasons set forth above, it is respectfully requested that the Court deny plaintiff's motion for leave to reargue his prior motion to strike the affirmative defenses of the News.

Sworn to before me this 12th day of July, 1983:

Notary Public

JOEL ALAN WIRCHIN
Notary Public, State of New York
No. 41-4771973
Oualified In Queens County

Certificate Filed in New York County Commission Expires MARKE30, 84