

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

Defendants.
-----x

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

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

1. This affidavit replies to opposing affidavit of ROBERT S. HAMMER, Esq., sworn to on July 8, 1983; the affidavit of ZOE MANDES, Esq., sworn to on July 12, 1983; and the Notice of Cross-Motion dated July 7, 1983, with a supporting affirmation dated July 11, 1983, insofar as it is an opposing affirmation since it was mailed at 5:00 P.M. on July 12, 1983 and received on July 13, 1983 (Exhibit "F").

2. Insofar as it a cross-motion, plaintiff contends that it is jurisdictionally defective -- one day to answer an eighteen (18) page affirmation (with exhibits) is clearly insufficient.

I do not recall a single occasion in five years when the Suffolk County Attorney made timely service of his opposing papers -- or timely served a cross-motion.

Mr. Larsen's assertions to the contrary notwithstanding (§24), I do not recall one occasion that I used a wrong caption; I do not recall one occasion that I used a wrong Index number; and do not recall one occasion that I proceeded by Order to Show Cause rather than Notice of Motion, except two times at the Appellate Division and then only for the purpose of designating a manner of service. These and most of the other remarks by Mr. Larsen are not only irrelevant, but vicious, vile, and unprofessional. It is a sign of desperation.

For more than one year the Suffolk County Attorney's Office and Mr. Larsen have evaded answering Interrogatories and stonewalled every attempt of the plaintiff to examine their clients before trial.

The Suffolk County Attorney's Office, Mr. Larsen, and their clients are afraid of having to make public unbelievable documents.

3. As still another recently reported case makes clear, only a showing by counsel that the deposition is needed to properly prepare trial trial constitutes "adequate special circumstances" (McKinney v. Bay Ridge, 92 A.D.2d 586, 459 N.Y.S.2d 472, 473 [2nd Dept.]).

Particularly as to Signorelli, Berger, and Larsen, their deposition is crucial.

It is true that I did not know of Mr. Larsen's personal involvement until his confession on June 24, 1982 at the Appellate Division, Second Department. My knowledge of his involvement came from this and several other confessions made by him.

As to the other issues, I respectfully refer this Court to the moving papers.

4. Without waiving my jurisdictional objection to the County Attorney's cross-motion, plaintiff will briefly set forth some of the reasons that this Court may and should not transfer this case, or have the examinations before trial in Suffolk County.

a. This Court is not empowered to overrule a determination made by a coordinate judge which ordered this transfer more than six months ago.

b. This Court has ruled on this issue (twice), and Mr. Larsen has failed to show any error law or fact by this Court.

c. Mr. Larsen's unqualified request for an adjournment of the examinations before trial to be held in New York County, constitutes an agreement, which the courts will honor (Compagnie v. Citibank, 92 A.D.2d 595, 496, 459 N.Y.S.2d 88, 89 [1st Dept.]; Tri-State v. Sinclair, 22 A.D.2d 679, 253 N.Y.S.2d 471 [1st Dept.]; Brand v. Colgate, 21 A.D.2d 670, 671, 250 N.Y.S.2d 1, 2 [1st Dept.]).

d. My affidavit of December 16, 1982 [annexed to Mr. Larsen's affirmation], reveals compelling constitutional reasons why venue may not be in Suffolk County.

e. That same affidavit reveals that the Second Department has uniformly transferred cases in less compelling situations.

f. Nassau County has also transferred the case from that County when Signorelli was a defendant, and when there was opposition to my motion (Exhibit "G").

g. Thereafter revealed, during the examination before trial of Art Penny (the stringer for the News), was that he has a close social relationship with many judges there, and with judges in the Appellate Division who came from Suffolk County. In fact he so boasted about the relationship that even his attorney was visibly embarrassed. This may be the reason that the Appellate Division, Second Department transferred all appeals involving the News to the Fourth Department.

h. It is my understanding that the Suffolk County Attorney's Office believed it would look better if the News opposed the change in venue and they would "fix" the case so that my motion would be denied. Apparently their signals got mixed up and in the five weeks between receipt of the motion papers and the submission, no opposing papers were submitted.

i. Mr. Larsen has omitted to advise this Court on the sharp practice of his office in removing the matter to Suffolk County in the first instance. To Mr. Larsen's credit he apologized at the time it was being done and several times thereafter.

j. This case is in New York County and rightfully so, clearly no Suffolk County Judge should make rulings on any aspect of this case.

Significantly, Mr. Larsen states that I never consent to an adjournment. This is untrue because every time he requests an adjournment and many times it has been consented to (including the original motion before Judge Wright), I remind him of the incident which transferred this case to Suffolk County and he always apologizes for his part in that piece of sharp practice.

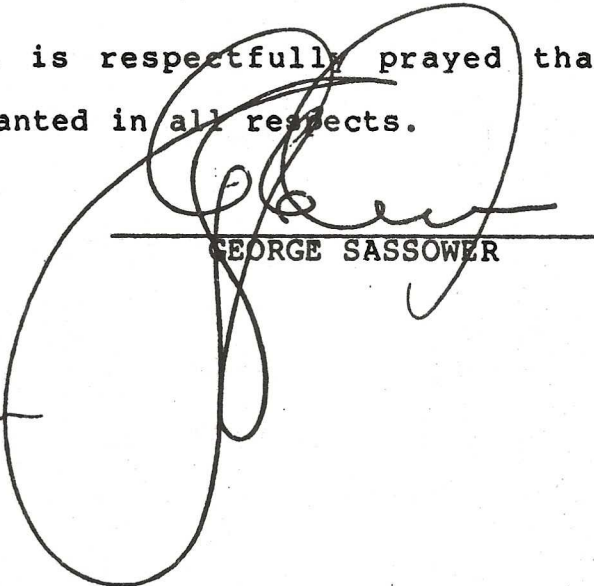
k. I will not go to Suffolk County wherein I face, as before, physical abuse.

This case is moving in the only way it should move -- forward!

5. Obviously, Mr. Larsen is going to appeal the Order in this matter, so that he can obtain a further delay.

6. The Suffolk County Attorney's Office and Mr. Larsen are in default in answering the Notice to Admit in my wife and daughter's case and are already in default in this action. I have given them a final and last opportunity to remedy their default in this case. They are entitled to be treated no better than a private litigant.

WHEREFORE, it is respectfully prayed that plaintiff's motion be granted in all respects.



GEORGE SASSOWER

Sworn to before me this
15th day of July, 1983



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

EXPRESS MAIL

NEXT DAY SERVICE



POST OFFICE TO ADDRESSEE



FROM:

Customer Number, if any:

TO:

LABEL 11B JAN/82 * U.S.G.P.O. 1981-357-478

Date:

Return Receipt Service

To Whom, Date Delivered, & Address of Del.

Lbs S

36959545

DESTINATION:

Name of City, State, ZIP

Time of Delivery

Initials of Delivering Employee

Signature of Addressee or Agent:

DELIVERY WAS ATTEMPTED

Date Time

Delivered by

TO REMOVE PEEL BACK HERE

REMOVE copies 1 & 2 with this stub

EXPRESS MAIL SERVICE

Exhibit

AGENT

Exhibit "F"



NOV 1932

SPECIAL TERM, PART I
MARIETTA COUNTY

DEPT. NO. 22287/22

DATE 12/5/32

CAL. NUMBER 220

CAL. NUMBER

Plaintiff, individually and as
trustee of the estate of

Defendant

- 2 -

Plaintiff, individually and as
trustee of the estate of

Defendant

Case No. 22287/22, filed in this office, for change of venue

BARBARA W. WOODRUFF

Name of Matter
Assessing Affidavit
Seizing Affidavit
Findings - Exhibits - Signatures
Plaintiff's/Defendant's
Defendant's/Plaintiff's

Upon the foregoing papers it is ordered that this matter be disposed of as follows:

It is ordered that the matter be removed to the County of ... to insure an atmosphere of impartiality in all matters relating to ...

The issue raised by the plaintiff is not a novel one and has been decided upon by the Appellate Division in this department in several cases ...

In ... supra, the court granted a motion for a change of venue ...

The ... because of the natural reluctance of the defendant to proceed ...

In the case before this court the plaintiff is faced with the ...

Exhibit "G" 297
(CONTINUED)

The following is a list of the names of the persons who have been appointed to the various positions in the Department of Agriculture for the year 1917.

007-101399

R. H. Stewart

RECEIVED
OCT 14 1917
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.