

Plaintiff's Affidavit In Support

(316-325)

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

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

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

1a. This affidavit is in support of plaintiff's
motion, brought on by Order to Show Cause, (1) to vacate
the Notice of Motion by the Suffolk County Attorney
dated January 31, 1984, returnable February 24, 1984;
alternatively (2) declaring null and void any purported

claim to any claimed statutory stay pursuant to CPLR 3214(b) or vacating same; (3) accelerating the return date to February 13, 1984; (4) assessing costs against the Suffolk County Attorney the sum of \$25,000; (5) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

b. The attorney for Alan Croce and Anthony Gryzmalski was telephoned at home three (3) times last evening and did not return deponent's telephone call. Reached at 7:30 a.m. this morning he has refused to attend this Court (or the Appellate Division, if necessary for possibly a CPLR §5704 application), to justify his motion or tactics, although not otherwise engaged outside his office or even within his office, except with routine legal work.

2a. Directly disobeying the crystal clear words, spirit, and intention of Associate Justice ARNOLD L. FEIN that the Suffolk County Attorney produce his clients for an ordered examination before trial today, February 1, 1984 (Exhibit "1"), the Suffolk County Attorney served upon deponent at about 6:00 p.m. last evening (January 31, 1984), the aforementioned motion (Exhibit "2"), which is merely a less compelling repeat of a prior made motion which had been denied.

b. Although, as shown afterward, the denial was without prejudice, the present motion is of a lesser qualitative and quantitative set of papers.

3a. Mr. Justice FEIN, denied any stay to the Order of Mr. Justice GAMMERMAN (Exhibit "3") which was issued after the representative of the Suffolk County Attorney stated and restated that if the Court set another date for such examination it would not be obeyed.

b. Thus Mr. Justice GAMMERMAN would have been justified in immediately striking the answer of defendants, Croce and Gryzmalski based upon such representation, nevertheless, His Honor only issued a conditional order.

4. This patently meritless CPLR 3212 motion, requesting only partial summary judgment, is clearly to still further delay an examination before trial which is now in its seventh year, as can immediately be concluded by the following:

a. The motion is supported only by an attorney's affidavit (in addition to numerous irrelevant exhibits, obviously intended to delay a decision and confuse the Court), who admittedly has no personal knowledge of the facts, and who did not even know anything about this action until one (1) month ago when his firm took over the defense..

b. Completely omitted on behalf of the Suffolk County ad hominem moving affidavit is any statement or reference that the same motion five (5) years ago (Exhibit "B"), with the same relevant facts in existence was denied.

Although such prior motion was denied "without prejudice to renewal ... upon a more detailed substantiation" (Exhibit "B" p. 13), the present papers are less in quantity, and certainly less in quality.

Every relevant fact and document (and more) that is now presented was presented on the prior motion. In fact, unlike the present motion, the Suffolk County motion papers included the affirmations of Erick F. Larsen, Esq. who had knowledge of the facts.

Thus, for the avowed purpose of disobeying the mandate of Mr. Justice FEIN and Mr. Justice GAMMERMAN, the Suffolk County Attorney has made another CPLR 3212 motion, when no new relevant facts have arisen, and on supporting papers -- less probative!

5a. Very professionally disturbing is the fact that within twenty-four hours after the representative of the Suffolk County Attorney's Office was severely excoriated by Mr. Justice FEIN, in no uncertain terms, for his wholly ad hominem moving papers in the Appellate Division, on irrelevant matters, the present motion is based on substantially similar papers and assertions. In fact, in substantial part, they are merely a copy obtained by merely pressing a few keys on a Word Processor.

b. Very personally disturbing is the fact that your deponent had a very amicable extended chat with the Suffolk County representative after the conference with Mr. Justice FEIN, which terminated in his apology and deponent's remark "forget it, but don't do it again, it does not advance you or your case, whatever it may be".

c. Deponent entertains little doubt that the representative of the Suffolk County Attorney's Office is taking his directions, directly or indirectly, from the Prince of Hell, who enlisted the aid of the "stringer", Art Penny, and as a result of a private press conference caused to have published in the New York News defamatory articles concerning deponent, and who also caused to be published in the New York Law Journal his disciplinary "diatribe", notwithstanding Judiciary Law §90[10], and otherwise caused same to be extensively published and circulated, and in every way has attempted to destroy deponent and his family.

6. Significantly, the subject matter of most of the ad hominem remarks and on which the Suffolk County Attorney desires alternate relief, he was denied leave to intervene (Exhibit "4").

Thus on both issues on this specious motion, issue preclusion operates against, not for, the Suffolk County Attorney. But as one of Aesop's fables holds "For a tyrant, any excuse will suffice!"

7. Nevertheless, some of the questions presented speak eloquently of the criminal contempt proceedings, irrelevantly referred to by the Suffolk County Attorney:

a. Could plaintiff be constitutionally and legally be tried, convicted and sentenced for criminal contempt, all in his absence, the first time the matter was on for a hearing, and while he was engaged in the midst of a trial in a higher court?

In Suffolk County, yes!

b. Was plaintiff's legal engagement in a higher court a conscious, voluntary, and deliberate waiver of his constitutional and legal right to be present at a trial, conviction, and sentence for criminal contempt, as a matter of law, so as to dispense completely with the necessity of a habeas corpus hearing?

In Suffolk County, yes!

c. Was plaintiff supposed to risk contempt in Supreme Court, Bronx County by abandoning a pending trial in its midst and prejudice his client's cause in order to appear in Surrogate's Court?

In Suffolk County, yes!

8. Nevertheless, it is only when you experience the "Signorelli Code of Star Chamber Proceedings", can you appreciate the humanity of Shakespear's Richard III!

9. In Suffolk County, not only was plaintiff not immediately released in accordance with the mandate of a Writ of Habeas Corpus, but his wife and child were incarcerated for serving same!

The reason asserted by the Assistant Suffolk County Attorney, before justices of the Appellate Division -- the Supreme Court justice who signed such writ was "illiterate"!

Where, deponent wishes to know, does it state that one obeys writs executed by only "literate" Supreme Court jurists?

Who gave the Suffolk County entourage the authority to pass on the literacy qualifications of Supreme Court jurists in other districts?

Exhibit "5" is a photocopy of the writing of the alleged "illiterate" judge!

The Court can take judicial notice of the many jurists who cannot write as well or as legibly!

10. No prior application has been made to this or any other Court for the relief sought herein.

WHEREFORE, it is respectfully prayed that the relief requested herein be granted in all respects.



GEORGE SASSOWER

Sworn to before me this
1st day of February, 1984



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

**SUMMARY STATEMENT OF
EXPEDITED SERVICE AND/OR INTERIM RELIEF
(SUBMITTED BY MOVING PARTY)**

Date Jan 30, 1984

Title of Matter } George Sasso - v. Ernest Signorelli, et al.
+ Anthony Mastroianni, Finney, Cucco & Lynch, Attys.
 Appeal by } Defendants from 3 { orders judgment } of { Supreme } Court entered on 1/24/84 10/10/83
 Name of Judge } Ganneman, J. & Wright, J. Notice of Appeal filed on } 1/24/84 1/3/84

If from administrative determination, state agency _____
 Nature of action or proceeding } Assault, Defamation & other tort damages sought
arising from plaintiff's arrest & incarceration for criminal contempt

Provisions of { order } appealed from Ordering immediate (2/1/84)
depositions of Suffolk County Sheriff, deputies, &
Public Administrator

This application by { appellant } is for Stay & consolidation of appeals
from 3 orders directing
depositions.

If applying for a stay, state reason why requested Prejudice to Suffolk County governmental
officials & other grounds, including anticipated res judicata,
dismissals of most of plaintiff's claims

Has any undertaking been posted NO If "Yes", state amount and type _____

Has application been made to court below for this relief NO If yes, state disposition _____
 Has there been any prior application herein in this Court NO If "Yes", state dates and nature _____

Has adversary been advised of this application Yes Does he consent Will be proved to court

Attorney(s) for Appellant(s)	Attorney(s) for Respondent(s)
Name <u>Reisman, Revez & Reisman</u>	<u>George Sasso, Esq.</u>
Address <u>Of Counsel to County Attorney of Suffolk County</u>	<u>PO Box 500</u>
Tel. No. <u>1301 Franklin Ave. Garden City</u>	<u>212-2411 440</u>
Appearing by <u>(516) 746-7799</u>	<u>Brooklyn, NY</u>
<u>Robert M. Calica, Esq.</u>	<u>(212)</u>

(Do not write below this line)
 DISPOSITION Justice Fair Date 1/30/84

EXPEDITE
 PHONE ATTORNEYS
 DECISION BY _____

*Agreed that v. p. & application
 to cross motion*
re. interim stay

Motion Date 2/2/84 Answering Papers Due _____ Reply Papers Due 2/2/84

ALL PAPERS TO BE SERVED PERSONALLY. J. A. Heitz
 Clerk

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

-----x
GEORGE SASSOWER,

Plaintiff,

NOTICE OF MOTION

- against -

ERNEST L. SIGNORELLI, ANTHONY
MASTRONIANNI, JOHN P. FINNERTY, ALAN
CROCE, ANTHONY GRYMALSKI, et.al.,

Index No. 5774/83

Defendants.
-----x

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of Robert M. Calica, Esq., sworn to January 31, 1984 and exhibits thereto, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move, at Special Term, Part I of this court located at the Courthouse, 60 Centre Street, New York, New York at 9:30 a.m. on the 24th day of February, 1984 for an order:

a. Pursuant to CPLR §3212(e), granting partial summary judgment in favor of defendants Anthony Mastronianni, John P. Finnerty, Alan Croce and Anthony Grymalski, dismissing those portions of the amended complaint herein detailed in the moving papers, upon the ground that said claims are barred by the res judicata effect of prior determinations in certain litigation among these parties, and others in the United State District Court, Eastern District of New York;

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Exhibits "2"

b. Pursuant to CPLR §2201, staying all proceedings herein, pending the final determination of a certain habeas corpus proceeding, now pending in the Supreme Court of the State of New York, County of Suffolk entitled "People ex. rel. George Sassower v. Sheriff of Suffolk County" (Suffolk County Clerk's Index No. 77-11984), upon remand by the Appellate Division, Second Department (Sassower v. Finnerty, ___ A.D.2d ___, 465 N.Y.S.2d 543); and

c. Granting the moving defendants such other and further relief as to the court may seem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR §2214(b), answering papers, if any, are required to be served upon the undersigned at least five days prior to the return date hereof.

Dated: Garden City, New York
January 31, 1984

Yours, etc.,

MARTIN B. ASHARE
County Attorney of Suffolk County
By: REISMAN, PEIREZ & REISMAN, ESQS.
Of Counsel
Attorneys for Defendants
Anthony Mastroianni, John P.
Finnerty, Alan Croce &
Anthony Grymalski
1301 Franklin Avenue
Garden City, New York 11530
(516) 746-7799

TO: GEORGE SASSOWER, ESQ.
Plaintiff Pro Se
2125 Mill Avenue
Brooklyn, New York 11234

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IT IS FURTHER ORDERED that in light of the dismissal of Action No. 1, the Public Administrator's application to intervene in Action No. 1 is denied as academic; and :

IT IS FURTHER ORDERED that the Public Administrator's application to intervene in Action No. 2 is denied as academic; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant Judges Signorelli and Seidells' application to dismiss Action No. 3 as against them pursuant to CPLR §3211(a)(7) is granted; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff Sassower's application for summary judgment against defendant New York News, Inc., in Action No. 3 is denied; and

IT IS FURTHER ORDERED that plaintiff Sassower's application for a protective order with respect to defendant New York News, Inc.'s notice to take the oral deposition of the plaintiff (Dated January 12, 1979)(Action No. 3) is denied; and

IT IS FURTHER ORDERED that plaintiff Sassower's application for severance of his claims against defendant New York News, Inc. (Action No. 3) is denied; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that petitioner-relator Sassower's writ of habeas corpus (Action No. 2) is dismissed; and

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Exhibit "4"