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SUFFOLK COUNTY ATTY NOTICE OF MOTION  
[A86-A88]

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

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GEORGE SASSOWER,

Plaintiff,

-against-

NOTICE OF MOTION  
(For Renewal of  
Orders of Hon.  
Martin B. Stecher)

ERNEST L. SIGNORELLI, ANTHONY  
MASTROIANNI, JOHN P. FINNERTY,  
ALAN CROCE, ANTHONY GRZYMALSKI,  
et al.,

Index No. 5774/83

Defendants.

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S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of Robert M. Calica, sworn to May 17, 1984 and exhibits thereto, upon the short form orders and decisions of Hon. Martin B. Stecher, Justice, dated April 6, 1984, upon the motion papers and briefs previously submitted in support of the motions and cross-motions decided thereby, 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 15<sup>th</sup> day of June, 1984, for an order:

- (a) Renewing the motion of defendants Anthony Mastroianni, John P. Finnerty, Alan Croce and Anthony Grzymalski ("the Suffolk County defendants"), seeking summary judgment pursuant to CPLR 3212, dismissing the amended complaint herein upon the ground that the claims

asserted therein are barred by the res judicata effect of prior determinations in certain litigation among these parties, and others in the United States District Court, Eastern District of New York;

(b) Renewing the prior motion of the Suffolk County defendants, dismissing the second cause of action of the amended complaint herein (which charges defendant Anthony Mastroianni with defamation), upon the ground that said claim has previously been ruled legally insufficient by the Appellate Division, Second Department, in this action (Sassower v. Signorelli, 96 A.D.2d 585, 465 N.Y.S.2d 543);

(c) Renewing the prior motion of the Suffolk County defendants to dismiss the eighth cause of action of the amended complaint herein, for failure to state a cause of action;

(d) Renewing the prior motion of the Suffolk County defendants pursuant to CPLR 2201, to stay 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, 96 A.D.2d 585, 465 N.Y.S.2d 543); and

ASS.

(e) Granting the Suffolk County defendants such other and further relief as to the court may seem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to leave previously granted by Hon. Martin B. Stecher, Justice, in his memorandum decision and order dated April 6, 1984, the moving defendants respectfully request that upon the return hereof, the Justice Presiding at Special Term, Part I of this court refer the instant motion for renewal to Mr. Justice Martin B. Stecher for determination.

Dated: Garden City, New York  
May 21, 1984

Yours, etc.

REISMAN, PEIREZ & REISMAN, ESQS.  
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