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PLAINTIFF'S INTERROGATORIES
[A92-A105I]

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,
VINCENT G. BERGER, JR., JOHN P. FINNERTY,
ALAN CROCE, ANTHONY GRYZMALSKI, CHARLES
BROWN, HARRY E. SEIDELL, NEW YORK NEWS,
INC., AND VIRGINIA MATHIAS,

Defendants.

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S I R S:

Pursuant to Civil Practice Law and Rules §3130, the following "Third Set of Interrogatories" are propounded to defendant, NEW YORK NEWS, INC. ["NEWS"], one of the defendants herein, to be answered by it, upon its oath, in accordance with Civil Practice Law and Rules §3134.

1. Set forth, if since the previous answers to plaintiff's interrogatories were executed, any changes, modifications, amplification, and/or explanations is now desired by NEWS. If in the affirmative, set forth (a) the interrogatories involved; (b) the changes, modifications, amplifications, and/or explanations now desired; (c) the reason for same; and (d) when, how, and from whom such information was obtained which prompted such changes.

2. Set forth, if since it interposed its "Amended Answer", the defendant, NEWS desires to make any changes, modifications, amplification, explanations and/or additions. If in the affirmative set forth (a) the paragraphs involved; the (b) changes, modifications, amplifications, explanations and/or additions now desired; (c) the reason for same; and (d) when, how, and from whom such information was obtained which prompted such changes, it now desires to make.

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3. Set forth any and all comments and statements made by ANTHONY MASTROIANNI ["MASTROIANNI"] in the presence of ART PENNY ["PENNY"] between the dates of June 22, 1977 and August 17th, 1977 including (a) when such statements were made, (b) where they were made, (c) copies of all written material given to PENNY or shown to him, and (d) who was present at each time.
4. Set forth any and all comments and statements made by others in the presence of MASTROIANNI and PENNY between the dates of June 22, 1977 and August 17th, 1977, including (a) when such statements were made, (b) where they were made, (c) identify all written material given or shown to PENNY, and (d) the persons present at each time.
5. Set forth any and all comments and statements made by VINCENT G. BERGER, JR., Esq. ["BERGER"], in the presence of PENNY between the dates of June 22, 1977 and August 17th, 1977 including (a) when such statements were made, (b) where they were made, (c) copies of all written material given to PENNY or shown to him, and (d) who was present at each time.

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6. Set forth any and all comments and statements made by others in the presence of BERGER and PENNY between the dates of June 22, 1977 and August 17th, 1977, including (a) when such statements were made, (b) where they were made, (c) identify all written material given or shown to PENNY, and (d) the persons present at each time.

7. Set forth any and all comments and statements made by ERNEST L. SIGNORELLI ["SIGNORELLI"], in the presence of PENNY between the dates of June 22, 1977 and August 17th, 1977 including (a) when such statements were made, (b) where they were made, (c) copies of all written material given to PENNY or shown to him, and (d) who was present at each time.

8. Set forth any and all comments and statements made by others in the presence of SIGNORELLI and PENNY between the dates of June 22, 1977 and August 17th, 1977, including (a) when such statements were made, (b) where they were made, (c) identify all written material given or shown to ART PENNY, and (d) the persons present at each time.

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9. Set forth any and all comments and statements made by "the attorneys for the beneficiaries", in the presence of PENNY between the dates of June 22, 1977 and August 17th, 1977 including (a) when such statements were made, (b) where they were made, (c) copies of all written material given to PENNY or shown to him, and (d) who was present at each time.

10. Set forth any and all comments and statements made by others in the presence of "attorneys for the beneficiaries" and PENNY between the dates of June 22, 1977 and August 17th, 1977, including (a) when such statements were made, (b) where they were made, (c) identify all written material given or shown to ART PENNY, and (d) the persons present at each time.

11. Set forth any and all comments and statements made by "the Suffolk district attorney's office", in the presence of PENNY between the dates of June 22, 1977 and August 17th, 1977 including (a) when such statements were made, (b) where they were made, (c) copies of all written material given to PENNY or shown to him, and (d) who was present at each time.

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12. Set forth any and all comments and statements made by others in the presence of "the Suffolk district attorney's office" and PENNY between the dates of June 22, 1977 and August 17th, 1977, including (a) when such statements were made, (b) where they were made, (c) identify all written material given or shown to ART PENNY, and (d) the persons present at each time.

13. Set forth any and all confirmatory investigations or inquiries made by or on behalf of the NEWS of the above information prior to the publications of the articles, made concerning plaintiff on June 27, 1977 and August 17, 1977, setting forth (a) by whom made, (b) when made, (c) how made, and (c) where made.

14. Set forth any and all inquiries made of plaintiff by or on behalf of NEWS, either prior or after the publications of June 27, 1977 and August 17, 1977, setting forth (a) by whom made, (b) when made, (c) how made, and (d) where made.

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15. Set forth if any investigation or inquiry resulted in information contrary or at variance with the information given by (a) MASTROIANNI, (b) BERGER (c) SIGNORELLI, (d) the "attorneys for the beneficiaries", (e) "the Suffolk district attorney's office", and/or (f) plaintiff, and if so (g) what, when, where, and from whom received.

16. Set forth whether any records of the Surrogate's Court, Suffolk County were examined, by or on behalf of NEWS, prior to the publications concerning plaintiff on June 27, 1977 and August 17, 1977, and if in the affirmative (a) who made same, (b) who made same, (c) when it was made, (d) where it was made, and (e) the documents or papers examined [to be set forth in identifiable form].

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17. Set forth all the facts and information known to NEWS, or those working on its behalf at the time the NEWS published the aforementioned articles, on the following subject, including how, when, where, and under what circumstances received: (a) plaintiff's "failure to provide a complete accounting"; (b) "inheritance taxes have never been paid"; (c) the removal of plaintiff as executor in March 1976; (d) the date and circumstances under which MASTROIANNI was substituted as executor in place of plaintiff; (e) that plaintiff could purge himself by giving MASTROIANNI a "complete account"; (f) that MASTROIANNI never received such accounting from plaintiff; (g) that plaintiff tried to sell "Kelly's home" without authorization; (h) that plaintiff knew he had no authority to sell "Kelly's home"; (g) that additional criminal charges had been placed against plaintiff after June 23, 1977; (h) plaintiff was under investigation by the District Attorney for criminal conduct; (i) that plaintiff had issued checks to an

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insurance company and a bank from the Kelly estate, without authorization; (j) that plaintiff was obligated to "personally" appear in Court on August 16th, 1977 and failed to do so; (k) all the other factual information contained in the publications of June 27, 1977 and August 17th, 1977.

18. Set forth those facts upon which NEWS denies that on or about June 27, 1977 and August 17th, 1977, plaintiff was not a public figure.

19. Set forth those facts upon which NEWS denies that on or about June 27, 1977 and August 17th, 1977, plaintiff was not involved in a public matter.

20. Set forth those facts upon which NEWS denies that on or about June 27, 1977 and August 17th, 1977, plaintiff did not desire to voluntarily desire to become involved in a public manner.

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21. Set forth those facts upon which NEWS denies that on or about June 27, 1977 and August 17th, 1977, plaintiff was not an attorney.

22. Set forth those facts upon which NEWS denies that the publications of June 27, 1977 and August 17th, 1977, did not accuse plaintiff of (a) criminal activity; (b) moral turpitude; (c) expose him to opprobrium, contempt, aversion, and induced ill and unsavory opinion of him (1) personally and (2) in his profession.

23. Set forth (a) all the persons who, on behalf of the NEWS, would of checked the articles concerning plaintiff for accuracy and fairness; (b) whether inquiry was made of them; (c) when such inquiry was made; (d) by whom; (e) the results thereof; (f) what records would be made after such check; (g) how long such records would be kept; (h) whether such verifiers are still employed by the NEWS, and if not there last known address.

24. What NEWS claims were the proper standards in 1977 for (a) news information gathering and dissemination for newspapers and (b) for keeping of records of same.

25. What NEWS claims were the proper standards in 1977 for news dissemination in newspapers involving criminal matters pending or in the midst of a trial.

26. In what respect the NEWS claims it met such standards (a) generally and (b) concerning plaintiff.

27. Set forth (a) when; (b) in what manner; (c) and by whom, "plaintiff was ordered to appear .. to explain why he should not be jailed for contempt of court".

28. Set forth any authority to support that the proposition that a "writ of habeas corpus" requires the "prisoner to explain why he should not be jailed".

29. Set forth in what respects NEWS now claims the article of June 27, 1977 (a) is true; (b) substantially true; (c) reasonably possibly misleading; (d) erroneous; and (e) false. When and how it was learned, if such was the case, that any portion of the foregoing was erroneous and/or false.

30. Set forth in what respects NEWS now claims the article of August 17, 1977 (a) is true; (b) substantially true; (c) reasonably possibly misleading; (d) erroneous; and (e) false. When and how it was learned, if such was the case, that any portion of the foregoing was erroneous and/or false.

31. Set forth whether a representative of the NEWS was present during the proceedings before (a) Ernest L. Signorelli and (b) Oscar Murov, as reported in the published articles. If not, did the NEWS or its representative have a copy of such alleged judicial proceedings prior to publication.

32. Set forth the basis for the assertion in the answer interposed by the NEWS that same was a "true report of judicial proceedings".

33. As to each claimed "judicial proceeding" before (a) Ernest L. Signorelli and (b) Oscar Murov, set forth the jurisdictional basis over plaintiff for such alleged judicial proceedings.

34. Set forth the alleged sources for the alleged publications concerning plaintiff and the basis for the allegation that same were "reliable".

35. Set forth the basis for the NEWS' assertion that the reporting of same was "within the sphere of [legitimate] public concern" and those, on behalf of the NEWS, (a) who generally made such determinations and (b) who made such determination concerning the publication concerning plaintiff.

36. Set forth the basis for the NEWS' assertion that the matters contained in the publication "warrant[ed] public exposition" and those, on behalf of the NEWS, (a) who generally made such determinations and (b) who made such determination concerning the publication concerning plaintiff.

37. Does the NEWS claim that the facts, as now known, would warrant the conclusion that the publications or any one of them, as published, was "within the sphere of legitimate public concern.

38. Does the NEWS claim that the facts, as now known, would warrant the conclusion that the publications or any one of them, as published "warranted public exposition".

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39. Set forth any and all attempts made by NEWS or by anyone on its behalf in 1977, to communicate with plaintiff, in order to obtain his version of the events, and the result(s) thereof.

Dated: June 2, 1984

Yours, etc.,

GEORGE SASSOWER, Esq.
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To: Patterson, Belknap, Webb & Tyler, Esqs.
Attorneys for New York News, Inc.