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PLAINTIFF'S AFFIDAVIT  
[A225-A229]

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

-----x  
GEORGE SASSOWER,

Plaintiff,

Index No.  
5774-1983

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,  
ALAN CROCE, ANTHONY GRYZMALSKI, HARRY E.  
SEIDELL, NEW YORK NEWS, INC., JOHN P.  
FINNERTY, and VIRGINIA MATHIAS,

Defendants.  
-----x

STATE OF NEW YORK  
CITY OF NEW YORK  
COUNTY OF KINGS

)  
) ss.:  
)

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

This affidavit is submitted in support of  
plaintiff's cross-motion [#1] for reargument, and in  
reply to the affidavit of Assistant Attorney General  
ROBERT S. HAMMER, Esq.

1. There is nothing in the opposing affidavit  
which controverts the raison d'etre error of this Court  
in the original decision, on which reargument is being  
sought.

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2. Again, there is no denial such statements were made to Penny or that they were not made with the intent that they be republished in the Daily News.

3a. Also again, without citation of a single case or authority, the Assistant Attorney General states:

"... it is a well-established rule, that a pleader must show 'affirmative acts' by a defendant in causing the publication of allegedly defamatory states [sic] ..."

b. If it is so "well-established" why does not the Assistant Attorney General or his client cite a few supporting authorities, particularly since your deponent has not been able to find one -- a single one, in any jurisdiction, before or after CPLR §3013?

c. If it is so "well-established", why did not the Attorney General raise it in support of its motion, so plaintiff could have repleaded so as to insure it would withstand his CPLR 3211 motion?

4. The key is "prejudice", and since the Assistant Attorney General does not even claim his client was "prejudiced" by a complaint which omitted a word or two, plaintiff's motion should be granted.

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5. In any event, the defamation of Signorelli to Penny was an actionable defamation, irrespective of subsequent republication, which the Attorney General continues to ignore.

6a. Cervantes' statement is pertinent:

"He who has the judge for his father, comes into court with an easy mind."

b. If the Appellate Division, Second Department, cannot render decisions fearlessly, with integrity, it should close its doors!

c. The issue on this motion is not merely the right to replead, but "judicial integrity". The fact that the Appellate Division, Second Department, has been wanting, is no justification for any other court or judge to likewise act.

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d. Everyone, without exception, who has seen the complaint in this action [which is before this Court], and even without the other documents that were before the Appellate Division, Second Department, on which it rendered its decision (Sassower v. Finnerty, 96 A.D.2d 585, 465 N.Y.S.2d 543), has made derogative comments about that Court, including other Assistant Attorney Generals!

e. That Court, the judicial system, more than plaintiff, was the real loser!

It is not an example to be followed!

6a. Plaintiff chose to be "jailed" rather than relinquish his 5th Amendment and other basic constitutional and civilized rights. He expects no less courage from every judicial tribunal.

b. To have chosen any other route, would have been to chart a course taken by bench and bar under the Weimer Republic when Hitler came to power.

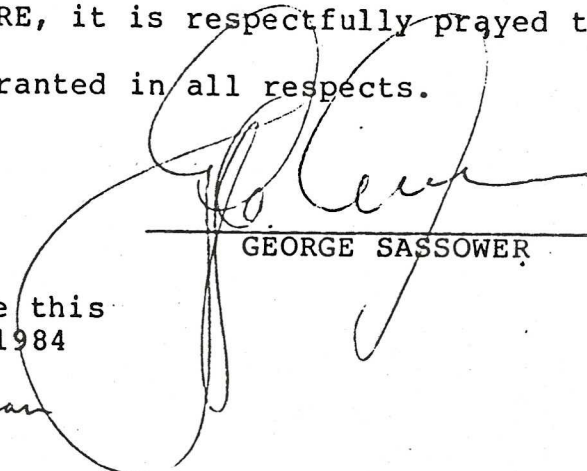
c. The damages and injuries deponent sustained were his dues for living in a free and civilized society, and desiring to maintain it as such.

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7a. Presently being revealed and documented by defendants, is that aspect, which deponent always considered the most egregious.

b. Thus far it has not been revealed in any judicial forum, except in generalized terms. When it is set forth, which should be shortly, it will prove about as bad as anything that took place during the "McCarthy era" or the "dirty tricks" during the Nixon campaign.

WHEREFORE, it is respectfully prayed that this cross-motion be granted in all respects.



GEORGE SASSOWER

Sworn to before me this  
3rd day of July, 1984

*Kenneth Silverman*

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