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PLAINTIFF'S AFFIDAVIT

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[A230-A232]

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,
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 [#2].

1a. Decisive is the fact that no one claims
"prejudice", if this cross-motion is granted.

b. Decisive is the fact that none of the
defendants claim that the pre-trial disclosure is not
relevant to the issues at bar.

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c. Decisive is the fact that denial of the right to obtain necessary evidence in opposition to the motion and cross-motion for summary judgment has constitutional overtones.

d. Indeed, the pre-trial disposition of Harry Schlegel and Art Penny have been previously ordered by court decree.

In view of the change of position of defendant, New York News, Inc., the continuation of the examination before trial of Art Penny is important, as well as the other pre-trial disclosures requested by plaintiff.

2a. The right to examine witnesses, before trial, now has constitutional overtones.

b. Unquestionably, at trial plaintiff would have an absolute right, without interference, to subpoena Art Penny, Harry Schlegel, Ernest L. Signorelli, and the News'.

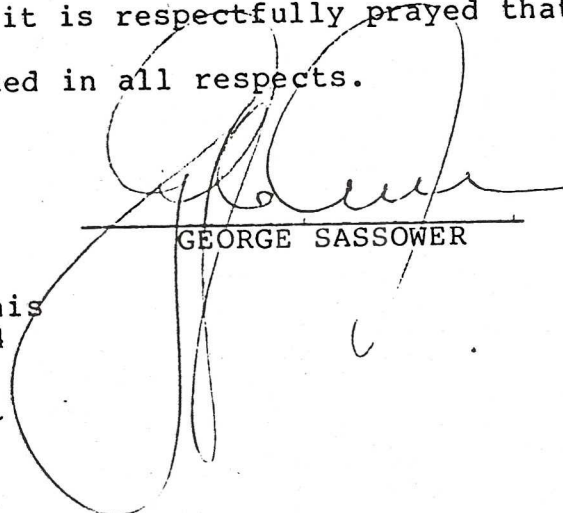
Since both the S.C. Attorney and the News' have moved and cross-moved for summary judgment, plaintiff has a constitutional right to their evidence to use, one against the other.

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c. Coppolino v. Helpern (266 F. Supp. 930 [SDNY])
seems to be dispositive on the issue.

3. A mere cursory examination of plaintiff's
interrogatories will clearly reveal their materiality,
if not decisiveness, the statements of the News'
attorney to the contrary notwithstanding.

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