

AV/33

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097

PLAINTIFF'S AFFIDAVIT  
{ A233-A235 }

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 GRZYMALSKI, HARRY E.  
SEIDELL, NEW YORK NEWS, INC., JOHN P.  
FINNERTY, and VIRGINIA MATHIAS,

Defendants.

-----x  
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 submitted in opposition to  
the Suffolk County (S.C.) Attorney's (third) motion for  
partial summary judgment.

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b. By agreement, plaintiff's opposing papers will not be due until completion of pre-trial disclosure of the the S.C. defendants and the court ordered witnesses, which is proceeding with reasonable expedition.

The aforesaid statement, excepts the court ordered pre-trial examinations of former News' employees, which the News has stonewalled by its meritless cross-motion for summary judgment.

c. Had the defendant, New York News, not obtained a statutory stay by its cross-motion for summary judgment, pre-trial disclosure could have been completed by September or October 1984, when Mr. Justice MARTIN B. STECHER is expected to return to active duty.

2a. The defenses of the defendants are inter-related, and until pre-trial disclosure of the News and its prior employees are completed, full and complete opposition to the S.C. Attorney's motion cannot be given.

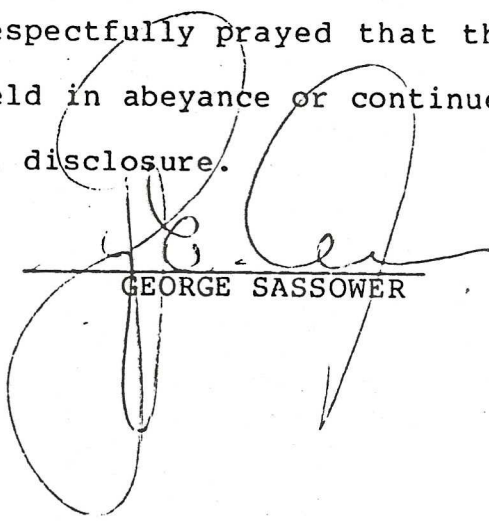
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b. One example of the conflict in positions is the pre-trial testimony of S.C. defendant, Anthony Mastroianni, with that of the defamatory publications, follows:

The publications attribute some of the statements to Anthony Mastroianni and Mastroianni testified at his recent examination before trial that he made no such statements to Art Penny of the News. In fact, Mastroianni, denies speaking to Art Penny at any time regarding this estate, in or out of court, in the presence of Penny.

3. Since no legal prejudice is claimed by the News, its statutory stay should be vacated.

WHEREFORE, it is respectfully prayed that the S.C. Attorney's motion be held in abeyance or continued until completion of pre-trial disclosure.

  
GEORGE SASSOWER

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



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