

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
GEORGE SASSOWER,

Plaintiff,

File No.  
84Civ2989  
[JM]

-against-

ERNEST L. SIGNORELLI, ANTHONY MASTROIANNI,  
JOHN P. FINNERTY, ALAN CROCE, ANTHONY  
GRYZMALSKI, HARRY SEIDELL, and THE COUNTY  
OF SUFFOLK,

Defendants.  
-----x

STATE OF NEW YORK            )  
CITY OF NEW YORK            )ss.:  
COUNTY OF KINGS            )

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

This affidavit is in opposition to the  
Attorney General's motion dated August 16, 1984, on  
behalf of his judicial clients.

1a. Defendants' Rule 12(b) motion should be  
denied, since on the face of the plaintiff's complaint,  
a cause of action is set forth, even though plaintiff  
concedes their "title of office".

b. The burden of pleading and proving immunity is upon the moving defendants, and except for a recitation of "title of office" as "judges", the moving papers do not show entitlement!

Immunity is a functional concept, and the claims made against these two defendants, are largely non-judicial actions.

c. In fact, the pleading, as well as the proof, reveal non-immune and/or non-judicial conduct.

d. Only by example, as substantiated in large part by the uncompleted examinations before trial, the defendants, Ernest L. Signorelli [hereinafter "Signorelli"] and Harry E. Seidell [hereinafter "Seidell"], engineered the mechanics of plaintiff's arrest and/or the harassment of plaintiff's family and/or the incarceration of plaintiff's wife and daughter because they served a writ of habeas corpus -- these are non-judicial functions!

Certainly the defendant, Signorelli, cannot claim judicial immunity for his conduct after he recused himself.

2a. Presently pending, although on the suspense calendar, is plaintiff's claim against the defendants, Ernest L. Signorelli and Harry E. Seidell (Southern District of New York, File No. 78 Civ 4989 [GLG]).

b. Nothing herein is intended to prejudice that action as against these two (2) judicial defendants, particularly since there are defendants therein who have not been made subject to pre-trial disclosure, as yet.

This is singularly important, since at least two have directly implicated these judicial defendants to non-immune activities.

3a. At least ten (10) reliable persons, many of whom have testimonial knowledge, have identified and described the activities of these two judicial defendants in the enforcement of these spurious warrants, and to other non-immune activities.

b. For your deponent to name any one of such testimonial informants or make any statement which could be attributable to any named individual, might result in an open denial, but certainly would terminate any further information that plaintiff has or is receiving from all others.

Obviously, deponent is unable to obtain a voluntarily executed affidavit, from such persons.

c. There is another group who do have testimonial knowledge, but cannot testify or give affidavits, except by court order.

These are attorneys who were formerly associated with the Grievance Committee and to whom Signorelli made various admissions.

Under the rules set forth at the outset of the disciplinary hearings, there was full disclosure by both sides.

Thus, plaintiff was told many things, which the Grievance Committee received from Signorelli. It is deponent's understanding that he must exhaust disclosure directly from Signorelli before he can make application to have the attorneys and employees of the Grievance Committee give affidavits or testify.

Needless to say, Signorelli was completely demolished at such hearings and plaintiff resoundingly vindicated.

As part of Signorelli's vendetta against plaintiff, he even included plaintiff's wife in his charges. She was also entirely vindicated "with leave to seek sanctions" against the Grievance Committee.

Obviously she did not seek such sanctions because the Grievance Committee had itself been victimized by false statements and assertions of Signorelli and Berger!

As will be elsewhere shown more than twenty (20) judicially filed documents were destroyed or secreted by Signorelli and/or his court (all exculpatory), in his futile attempt to sustain his published charges. Having forgotten that he had given one particular transcript to the Grievance Committee beforehand, Signorelli was "hoisted by his own petard".

4a. The testimony, thus far, of Sheriff Thomas P. Finnerty and Sergeant Alan P. Croce, clearly places super-Sheriff Ernest L. Signorelli, as the chief architect of these operations, even after his recusal.

b. Neither the Sheriff nor any of his deputies knew plaintiff before June 22, 1977 and had no known animus towards him.

c. It is Signorelli who now, in his moving affidavit, has fabricated a "1977 removal" [which has no documentary evidence for support, but which may nevertheless be immune], when he previously asserted, and His Honor incorporated in his opinion a "1976 removal"; it was Signorelli who engineered this "mock" conviction [which may or may not be immune]; it was Signorelli who signed a warrant for plaintiff's arrest after plaintiff's in absentia conviction [which may or may not be immune], resulting in a sentence of 30 days in the Suffolk County Jail, but nevertheless ordered that plaintiff be brought before him "to answer for a contempt of this court whereof he stands charged" (Exhibit "A") -- [for which he may or may not be immune].

Thus, while Signorelli, may or may not be immune for convicting plaintiff before he was even given an opportunity "to answer [the] ... charge", he was not immune for acting as a Sheriff and directing the deputy sheriffs to transcend their jurisdictional bailiwick, under this facially invalid warrant to arrest plaintiff, hold him incommunicado, deny him his right to present his writ of habeas corpus and incarcerating him because he asserted his 5th Amendment rights.

Lawyers, no less than frankfurter men, are entitled to basic constitutional rights!

Thereafter, at his solicitation, Signorelli gave a private newspaper interview to Art Penny (on a day when no judicial proceedings involving plaintiff were taking place) to be published in the Daily News the morning that the habeas corpus non-jury hearing was going to commence.

The examination before trial of Art Penny confirms this private, out of office, solicited interview by Signorelli. This solicited private interview, not only violated the Judicial Canons of Ethics, but plaintiff's right to a constitutional hearing!

It was that same article which was tendered to Hon. JACOB MISHLER, in an attempt to influence His Honor, and which, since then, has been completely demolished as false and contrived, except as to the source of its publication -- Signorelli!

No fair hearing, not even a non-jury habeas corpus proceeding, could have taken place in face of such inflammatory and false publication. Such publication and the statements of Vincent Berger, Signorelli's campaign manager, who admitted knowing he had no standing, made any hearing a farce.

Thus, a habeas corpus hearing which should have taken ten seconds, went on for about five days, and was terminated in large part because of a statement conveyed to the state tribunal by the Assistant Attorney General from the federal court!

d. The records of the Sheriff's Office clearly implicates the Law Secretary of Harry E. Seidell in the enforcement aspect to the operation. There is also a Supreme Court transcript revealing a successful attempt by Seidell's law secretary to, by ex parte telephone conversation, to have a Westchester matter, involving the parties herein, transferred to Suffolk County.

e. The testimony and documented evidence reveals that the Signorelli operations, not only by the Sheriff, but by Berger and Mastroianni, were directed to plaintiff's wife and children so as to conceal Signorelli's misconduct.



4a. Some of the parties/witnesses and/or their attorneys, have "off the record" directly implicated these two judicial defendants in the outrages that took place against plaintiff and his family.

b. In fact it is well known that it was the "recused Signorelli", who refused to accept the "off the record" suggestion of Hon. JACOB MISHLER, the advice of the Suffolk County Attorney, and even Seidell, in proceeding, as he did, against plaintiff and his family.

b. While these parties/witnesses will sometimes speak "off the record" regarding the activities of Signorelli and Seidell in this affair, they will not, even on sworn examinations before trial, name them, except indirectly.

One of the reasons that the Sheriff, Thomas P. Finnerty, terminated the examination before trial and refuses to return, despite the statement contained therein and order of the court, is that his direct naming of these two judicial defendants can no longer be avoided.

5. In view of the testimony, thus far adduced, no motion to dismiss should be entertained until both Signorelli and Seidell submit to examinations before trial or other pre-trial disclosure.

6a. The affidavit of Ernest L. Signorelli says nothing except that plaintiff was removed as executor in "1977".

b. Let Ernest L. Signorelli show this Court the document upon which 1977 removal was based -- it does not exist!

Mastroianni and Berger did not have any such document, and Signorelli could not produce any such "1977" document at the disciplinary hearings at which he testified -- it just does not exist!

c. At the disciplinary hearings it was shown, largely by Signorelli's own testimony that the contempt conviction was a contrived "fake", of which he was the architect.

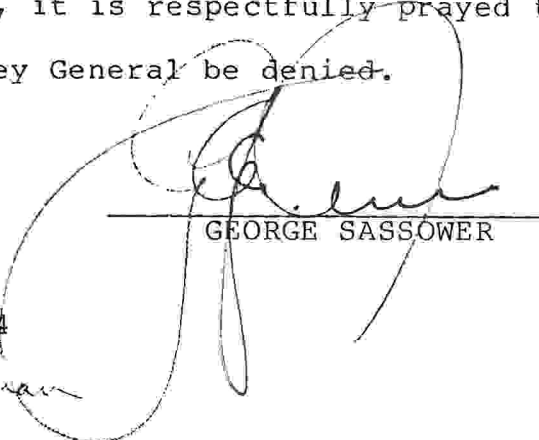
7a. Just about everyone in Suffolk County, judges, law clerks, lawyers, and judicial employees, in and out of Surrogate's Court, have privately told your deponent about Signorelli's activities in this matter, out of sheer disgust by reason of same. Even Judge Seidell, your deponent understands, rebelled after a while, because of the activities, not against plaintiff, but against his wife.

b. All this Court need do is to take any attorney or party into chambers for a private discussion, and the Court will learn of the judicial involvement herein of both Signorelli and Seidell.

8. This action was time commenced, however viewed (CPLR §205[a]).

9. By separate motion or affidavit deponent will set forth the transactional involvement of the Appellate Division in this matter, which plaintiff contends is of operative importance.

WHEREFORE, it is respectfully prayed that the motion of the Attorney General be denied.



GEORGE SASSOWER

Sworn to before me this  
15th day of October, 1984

*Kenneth Silverman*

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

Surrogate's Court: County of Suffolk

In the matter of the accounting of  
GEORGE SASSOWER as preliminary executor  
of the Estate of

EUGENE PAUL KELLY,

deceased.

WARRANT  
OF  
COMMITMENT

P-EX. HB # for ID  
5/16/84 D.D.

To the Sheriff of the County of Suffolk:

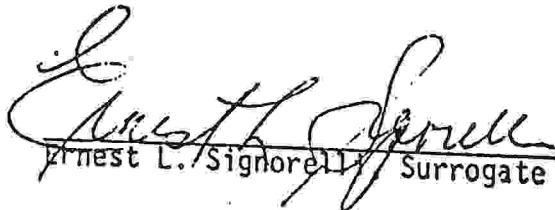
WHEREAS by an order duly made and entered hereon on the 22nd day of June 1977 GEORGE SASSOWER was adjudged guilty by the Surrogate's Court of the County of Suffolk of criminal contempt of court, committed during a sitting of the court and in its immediate view and presence, and due to the said GEORGE SASSOWER'S failure to obey the order and directions of this court dated April 28, 1977 and June 15, 1977 respectively, and

WHEREAS the said GEORGE SASSOWER was duly sentenced to be imprisoned in the County Jail of the County of Suffolk for a period of 30 days,

NOW THEREFORE we command you to take and to receive said GEORGE SASSOWER into your close custody and present him forthwith before the undersigned, Ernest L. Signorelli, Surrogate of Suffolk County at the Surrogate's Court, County Center, Riverhead, New York, to answer for a contempt of this court whereof he stands charged.

Dated:

June 22, 1977

  
Ernest L. Signorelli, Surrogate