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September 24, 1984

*MEMBER NY AND FL BAR

Hon. Jacob Mishler
United States District Judge
United States District Court
Eastern District of New York
Uniondale Avenue and Hempstead
Turnpike
Uniondale, New York 11554

Re: Sassower v. Signorelli, et al.
84 Civ. 2989 (JM)

Dear Judge Mishler:

We are attorneys for the Suffolk County defendants (defendants Anthony Mastroianni, John P. Finnerty, Alan Croce, Anthony Grzymalski and the County of Suffolk) in this matter.

I write with reference to Mr. Sassower's letters to the court dated September 19 and September 21, 1984, both of which were received in this morning's mail.

So far as the scheduling of the separate motions by the State and County defendants for dismissal are concerned, Mr. Sassower correctly points out my position that despite having been compelled to prepare and serve our moving papers within three days' time under the scheduling direction made by your Honor, I would not oppose Mr. Sassower's application for further time to respond, if your Honor should see fit to grant Mr. Sassower leave to do so.

The remainder of the comments and procedures set forth in Mr. Sassower's letters are inaccurate, but need not be responded to particularly.

Mr. Sassower has stated that he intends to furnish your Honor with "copies of the appropriate portions of Mr. Larsen's testimony". I insist that if any such material is to be furnished to your Honor at all, a copy of the entire transcript,

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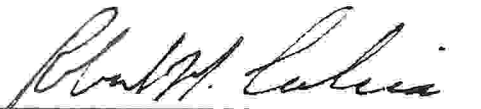
and not only "appropriate portions" be furnished, since a fair reading of the entire transcript will fully dispel Mr. Sassower's claims. My predecessor in this case, Eric F. Larsen, Esq., did not testify to "off the record" discussions to your Honor. Instead, in response to wholly irrelevant inquiries by Mr. Sassower, he gave his recollections concerning your Honor's rulings in the prior litigations brought by Mr. Sassower, as well as colloquy between counsel and the court, and legal argument upon the motions, which Mr. Larsen stated may or may not have been transcribed by the court reporter. Mr. Larsen did not testify that your Honor gave "off the record" views, or instructions concerning the case, and whatever the relevancy of such testimony may be (we can see none), the full transcript of that deposition will bear this out.

The transcript will also show that plaintiff has virtually misrepresented the circumstances concerning an alleged "go ahead" given by your Honor to the execution upon the warrant of commitment issued by Acting Surrogate Seidell. The testimony and exhibits reflect that because an application was then pending by Sassower before your Honor to stay the State court contempt proceedings, the County Attorney, and counsel for the Public Administrator, agreed, voluntarily, to "hold off" serving the warrant until your Honor passed upon Mr. Sassower's injunctive application, notwithstanding that no interim stay had been granted. Because of that voluntary procedure, when your Honor thereafter denied Mr. Sassower's application to enjoin the State court contempt proceedings, the County Attorney instructed the Sheriff to execute upon the warrant of commitment issued by Acting Surrogate Seidell, execution of which had been voluntarily stayed by the parties, to abide your Honor's determination of Sassower's then-pending injunction application.

Once again, should Mr. Larsen's testimony be deemed pertinent for any purpose, which we contend it is not, it will fully bear out the version set forth above, and dispel the contrary assertions contained in Mr. Sassower's letters.

Respectfully,

REISMAN, PEIREZ & REISMAN

By: 
Robert M. Calica

RMC:pjp
cc: George Sassower, Esq. ✓
Hon. Robert Abrams, Esq.