

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER, Individually and  
as Trustee of the trusts created  
by EUGENE PAUL KELLY, and by his  
Estate, and those similarly  
situated, or to be benefited  
thereby,

Plaintiff,

FILE #86 Civ.3797

-against-

(JM)

VINCENT G. BERGER, JR., ANTHONY  
MASTROIANNI, Surrogate ERNEST L.  
SIGNORELLI, CHARLES Z. ABUZA,  
Hon. HARRY SEIDELL, RICHARD C.  
CAHN, ROBERT M. CALICA, MARTIN B.  
ASHARE, THE SURROGATE'S COURT OF  
THE STATE OF NEW YORK, COUNTY OF  
SUFFOLK, THE SHERIFF OF SUFFOLK  
COUNTY, Hon. SOL WACHTLER, Hon.  
JOSEPH W. BELLACOSA, Hon. MILTON  
MOLLEN, individually and on behalf  
of the APPELLATE DIVISION OF THE  
SUPREME COURT, SECOND JUDICIAL  
DEPARTMENT, Hon. MOSES M. WEINSTEIN,  
Hon. ISAAC RUBIN and Hon. BURTON S.  
JOSEPH,

Defendants.

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Defendant, CHARLES Z. ABUZA, denies every  
allegation of Plaintiff's complaint.

AFFIRMATIVE DEFENSE

Defendant alleges that Plaintiff's complaint fails to state a cause of action against this Defendant.

WHEREFORE, Defendant, CHARLES Z. ABUZA, demands:

- 1) That the Court enter judgment dismissing the complaint against this Defendant.
- 2) That this Defendant be awarded costs incurred herein.
- 3) That the Defendant be awarded such other and further relief as the Court may deem just.

Dated: New York, N. Y.

Nov. 26, 1986

ARNOLD I. SILBERSTEIN  
Attorney for Defendant,  
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