

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
GEORGE SASSOWER, Individually and as  
Trustee, etc.,

Plaintiff,

- against -

VINCENT G. BERGER, JR., ANTHONY  
MASTROIANNI, etc., RICHARD C. CAHN,  
ROBERT M. CALICA, MARTIN B. ASHARE,  
COUNTY OF SUFFOLK, THE SHERIFF OF SUFFOLK  
COUNTY, et al.,

Defendants.

AFFIDAVIT  
IN OPPOSITION

86 Civ. 3797  
(Mishler, J.)

-----X  
STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF NASSAU )

ROBERT M. CALICA being duly sworn deposes and says:

1. I am a member of the firm of Reisman, Peirez,  
Reisman & Calica, attorneys for defendants Anthony  
Mastroianni (the Public Administrator of Suffolk County),  
Vincent G. Berger, Jr., Esq. (formerly attorney for Suffolk  
County Public Administrator Mastroianni), Richard C. Cahn,  
Esq. (the Public Administrator's present counsel), Martin  
Bradley Ashare, Esq. (sued, apparently, as Suffolk County  
Attorney), the Sheriff of Suffolk County, and on my own  
behalf, having been caught in the Sassower "dragnet" of  
defendants as well.

2. This affidavit opposes plaintiff's  
indecipherable motion seeking "reargument" of this court's  
order dated November 6, 1987. That order, inter alia,  
granted separate motions to dismiss this entirely

meretricious action and, in addition, extended the injunctive force of a prior order against plaintiff George Sassower, barring him from commencing further litigation in the United States District Court arising out of the Estate of Kelly litigation and the ensuing criminal contempt proceedings against him.

3. Our motion papers in support of our initial application seeking dismissal of plaintiff's groundless action and to extend the stay of this court's prior order are, we believe, entirely ample to respond to plaintiff's latest application seeking "reargument".

4. Since this court, by its letter dated November 24, 1987, has informed counsel for the parties that plaintiff's reargument motion will be entertained, but without oral argument, we respectfully request that our prior motion papers submitted on behalf of the defendants represented by this firm be considered in opposition and that the court's order dated November 6, 1987 be adhered to.

  
ROBERT M. CALICA

Sworn to before me this  
30<sup>th</sup> day of November 1987.

  
Notary Public

**MYRA P. LAPIDUS**  
Notary Public, State of New York  
No. 30-4801448  
Qualified in Nassau County  
Commission Expires Sept 30, 1989