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December 7, 1982

Letters to the Editor  
New York Law Journal  
111 Eighth Avenue,  
New York, N.Y. 10011

To the Editor:

On the principle of "equal time", your readers should be informed that the decision of Sassower v. Signorelli published on December 7th (p. 14, col. 3), is already the subject of a motion for reargument.

Among the more serious factual errors are:

1. The Court examined the two libelous newspaper articles published by co-defendant, Daily News, on June 27, 1977 and August 17, 1977, expressly compared them to Judge Signorelli's opinion and found them to be a "fair and true" account of a judicial proceeding, therefore immunizing the Daily News from liability under Civil Rights Law §74.

The Court, however, specifically overlooked the fact that the articles in question pre-dated Judge Signorelli's decision by 6 and 8 months respectively, expressly acknowledging that the compared Signorelli "so-called" decision [dated Feb. 24, 1978] was published on March 3, 1978 by the New York Law Journal.

Obviously, then, the decision of Surrogate Signorelli fairly reflected the published articles in the Daily News, rather than the reverse.

Perhaps, defendants, with the benefit of this kind of judicial comparison, should amend their pleadings so as to raise a defense by the Daily News of "judicial immunity", and by Judge Signorelli of Civil Rights Law §74!

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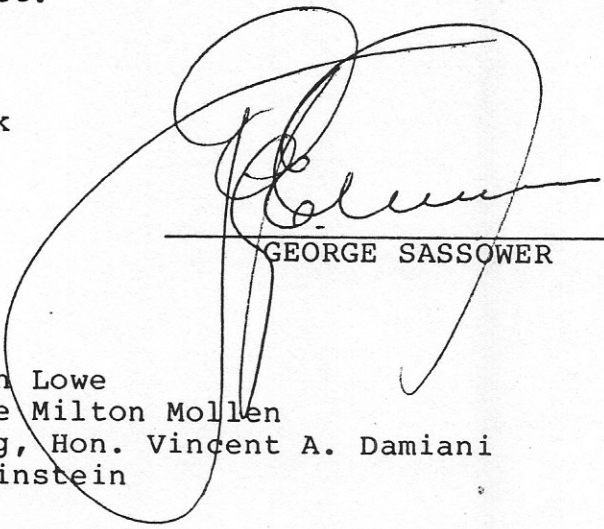
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2. Having examined the libelous published articles, in haec verba, annexed to my complaint, amply satisfying CPLR 3016[a] (Ostrer v. Reader's Digest, 48 A.D.2d 856; Hogan v. Herald, 84 A.D.2d 470), the Court, nonetheless, chose to ignore such annexed articles in holding that the pleading requirements in a defamation action had not been met.

White Plains, New York



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GEORGE SASSOWER

cc: Hon. Mary Johnson Lowe  
Presiding Justice Milton Mollen  
Justice Presiding, Hon. Vincent A. Damiani  
Hon. Moses M. Weinstein  
Hon. Isaac Rubin  
Hon. Seymour Boyers  
Justice Presiding, Hon. Theodore R. Kupferman  
Hon. Samuel J. Silverman  
Hon. Leonard H. Sandler  
Hon. Arnold L. Fein  
Hon. Matthew F. Coppola  
Hon. Henry W. Lengyl  
Hon. Frank P. DeLuca  
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