

GEORGE SASSOWER

ATTORNEY AT LAW

914/328-0440

283 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606

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!

GEORGE SASSOWER

ATTORNEY AT LAW

914/328-0440

283 SOUNDVIEW AVENUE
WHITE PLAINS, N. Y. 10606

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



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
Abrams & Sheidlower, Esqs.
Robert Abrams, Esq.
Vincent G. Berger, Jr., Esq.
David J. Gilmartin, Esq.
Patterson, Belknapp, Webb, & Tyler, Esqs.
Frank H. Connelly, Jr., Esq.
Gary L. Casella, Esq.
Nelson Seitel, Esq.