

21

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GEORGE SASSOWER,

Plaintiff,

INDEX NO. 78C4989  
(Judge Pierce)

-against-

ANTHONY GRZYMALSKI, EDWARD MORRIS,  
ALLAN CROCE, JOHN P. FINNERTY, HOWARD E.  
PACHMAN, ERICK F. LARSEN, ERNEST L.  
SIGNORELLI, HARRY E. SIEDELL, ANTHONY  
MASTROIANNI, VINCENT G. BERGER, JR.,  
WARDEN REGULA, LT. BULUK, LT. CHICHANOWICZ,  
SGT. REICHLER, THE COUNTY OF SUFFOLK and  
other whose identity is presently unknown  
to plaintiff,

ANSWER

Defendants,

-----X  
Defendants, ANTHONY GRZYMALSKI, and EDWARD MORRIS,  
by their attorney, HOWARD E. PACHMAN, Suffolk County Attorney,  
by ERICK F. LARSEN of counsel, answering the plaintiff's  
complaint herein, respectfully alleges:

1. Denies knowledge or information sufficient  
to form a belief as to each and every allegation contained in  
paragraphs numbered "1", "2", "16", "18", "19" and "21" of  
the complaint herein.

2. Denies upon information and belief, each and  
every allegation contained in paragraphs numbered "3", "4",  
"5", "6", "8", "10", and "12" of the complaint herein.

3. Denies each and every allegation contained in paragraph numbered "7" of the complaint herein, except admits that on several occasions defendants, GRZYMALSKI and MORRIS attempted to locate plaintiff in order to execute a facially valid arrest warrant.

4. Denies each and every allegation contained in paragraph numbered "9" of the complaint herein, except admits that on June 10, 1978, defendants, GRZYMALSKI and MORRIS did execute the aforementioned facially valid warrant by taking plaintiff into custody in Westchester County.

5. Denies upon information and belief each and every allegation contained in paragraph numbered "11" of the complaint herein that defendants GRZYMALSKI and MORRIS were forced by plaintiff to employ that reasonable degree of force necessary to retain custody of plaintiff and prevent his escape.

6. Denies each and every allegation contained in paragraph numbered "13" of the complaint herein, except admits on information and belief that plaintiff was transported directly to the Suffolk County Correctional Facility and released several hours later pursuant to a Writ of Habeas Corpus.

7. Denies each and every allegation contained in paragraphs numbered "14", "15", "17", "23", and "24" of the complaint herein.

8. Denies each and every allegation contained in paragraph numbered "20" of the complaint herein, except admits that defendant GRZYMALSKI signed a felony complaint against plaintiff.

9. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "22" of the complaint herein except admits that on information and belief that charges were dismissed.

FIRST AFFIRMATIVE DEFENSE

10. The complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

11. This court has no subject matter jurisdiction.

THIRD AFFIRMATIVE DEFENSE

12. Plaintiff has failed to comply with the statutory conditions (General Municipal Law, §§ 50-e & 50-h) precedent to commencement of an action against municipal defendants.

FOURTH AFFIRMATIVE DEFENSE

13. Damages sustained by plaintiff, if any, were caused by the plaintiff's own culpable and negligent conduct.

FIFTH AFFIRMATIVE DEFENSE

14. Plaintiff's claims, if any, are in whole or in part, barred by the doctrine of collateral estoppel.

SIXTH AFFIRMATIVE DEFENSE

15. Defendants actions, if any, were undertaken in self-defense.

SEVENTH AFFIRAMTIVE DEFENSE

16. Defendants, actions if any, were justified by the facts and circumstances presented.

EIGHTH AFFIRMATIVE DEFENSE

17. The arrest and detention if any, were reasonable and based upon a facially valid warrant.

NINTH AFFIRMATIVE DEFENSE

18. Defendants acted herein in what they did solely pursuant to their duties and responsibilities as law enforcement officers.

19. Defendants, at all times, acted in good faith in that they reasonably believed that they were exercising and acting within their statutory and constitutional inherent powers.

20. That in performing such duties and responsibilities defendants are and were protected by federal and state immunity.

TENTH AFFIRMATIVE DEFENSE

21. In light of related proceedings presently pending in the New York State Supreme Courts, this court should abstain from exercising federal jurisdiction.

WHEREFORE, defendants, ANTHONY GRZYMALSKI and EDWARD MORRIS demand judgment against the plaintiff, dismissing the complaint, together with the costs, disbursements and attorneys fees of this action and for such other and further relief as this court deems just and proper.

DATED: September 25, 1979  
Hauppauge, New York



ERICK F. LARSEN  
of counsel

TO:  
GEORGE SASSOWER, ESQ.  
Attorney for Plaintiff-pro se  
75 Wykagyl Station  
New Rochelle, New York  
10804

HOWARD E. PACHMAN  
Suffolk County Attorney  
Attorney for Defendants,  
GRZYMALSKI AND MORRIS

Office & P.O. Address  
Veterans Memorial Highway  
Hauppauge, New York 11787  
(516) 979-2485

LOUIS J. LEFKOWITZ,  
Attorney General  
Attorney for Defendants  
Signorelli & Seidell  
2 World Trade Center  
New York, New York 10047