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GEORGE SASSOWER, ESQ.-PLAINTIFF-AFFIDAVIT-JUNE 19, 1980

EA27-A28]

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

GEORGE SASSOWER,

Plaintiff,

- against -

Index No.  
21226-1979

APPELLATE DIVISION OF THE SUPREME COURT,  
SECOND JUDICIAL DEPARTMENT,

Defendant.

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF WESTCHESTER )

GEORGE SASSOWER, being duly sworn, deposes and says:

This affidavit is in response to the additional affidavits submitted on behalf of the defendant.

1. Everything additional set forth by defendant's attorney is nothing more than what is usually characterized as "law office failures".

2. To illustrate the runaround that I received from the Attorney General's office when inquiry was made with respect to its Notice of Appearance, annexed is a photostatic copy of my letter to the Attorney General's office, dated March 24, 1980 (Exhibit "A") as supplied to me by defendant's attorney. This Court will note that it has five receipt stamps on it and an additional notation, all made by the office of the Attorney General.

3. As further evidence that the Summons in this matter was given to the Sheriff of Kings County on November 5, 1979, annexed as Exhibit "B", is a copy of the check given said office at the time that the Summons was given to them to serve .

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4. Whether the date of publication is considered to be the date that the defendant handed down its decision, the date it was published in the New York Law Journal, the date it was published by West Publication, or the date it was published by Lawyer's Coop (all of which occurred subsequent to November 6, 1978) it is obvious that the statute of limitations is not a defense to this action.

5. Very significant is the defendant's attorney's affirmation of June 17, 1980 (p. 2) wherein he admits that he never received the file from the New York City Office, nor did he inspect same.

Obviously, therefore, his proposed answer was drafted and verified without the benefit of the file in this matter.

WHEREFORE, it is respectfully prayed that plaintiff's motion be granted in all respects.

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GEORGE SASSOWER

Sworn to before me this  
19th day of June, 1980.

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EXHIBIT

GEORGE SASSOWER

ATTORNEY AT LAW

914 / 636-4050

75 WYKAOYL STATION  
NEW ROCHELLE, N. Y. 10804

March 24, 1980

Robert Abrams, Esq.  
Attorney General-State of New York  
2 World Trade Center,  
New York, New York, 10047

Re: George Sassower v. Appellate Division  
Second Department.

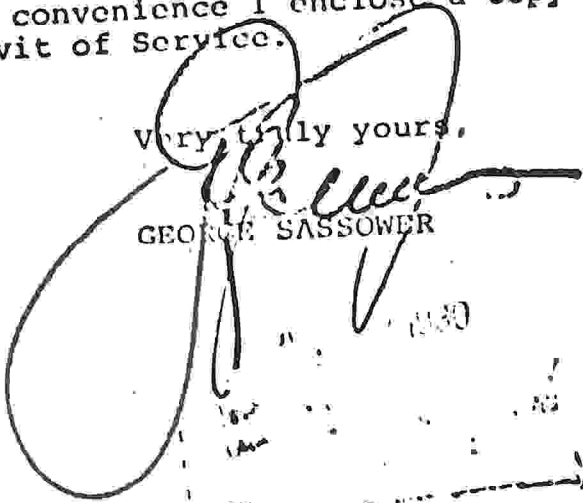
Dear Sir:

On November 23, 1979, a summons was served by the  
Sheriff of Kings County upon the defendant, and to date I  
have not received a Notice of Appearance.

I assume that you will appear for defendant, and  
request that you serve me with such Notice of Appearance by  
return mail so that I may serve my complaint in said action.

For your convenience I enclose a copy of said  
Summons and Affidavit of Service.

Very truly yours,

  
GEORGE SASSOWER

CS/bh

RECEIVED

MAR 27 1980

BY 

RECEIVED

BY MAIL

MAR 23 1980

DEPARTMENT OF LAW  
NEW YORK CITY OFFICE

*Not over 100  
100 Clarks  
Bureau  
ASF  
1254*

Exhibit "A"

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EXHIBIT

ACCOUNT NUMBER 872

*10/10/59*

PAID TO THE ORDER OF *W. H. King Co.* \$ *15.00*

*W. H. King Co.* DOLLARS

The Chase Manhattan Bank, N.A.  
CHASE, 41 quater ridge road, new york, n.y. 10008

*[Signature]*

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PAY TO THE ORDER OF  
 REPUBLIC NATIONAL BANK  
 CITY BRANCH OF  
 THE CITY OF NEW YORK  
 PER ACCOUNT  
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