

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND DEPARTMENT

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DORIS L. SASSOWER and CAREY A. SASSOWER, :
Plaintiffs-Respondents, :

-against- : Westchester County

ERNEST L. SIGNORELLI, :
Defendant-Appellant, :

JOHN P. FINNERTY, WARDEN REGULA, :
ANTHONY MASTROIANNI, and :
THE NEW YORK LAW JOURNAL PUBLISHING :
COMPANY, :

Defendants. :

-----X

REPLY BRIEF FOR DEFENDANT-APPELLANT

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REPLY BRIEF FOR DEFENDANT-APPELLANT

THE DECISION BELOW SHOULD BE REVERSED

This Court's decision in the related case, George Sassower v. Signorelli, decided with Sassower v. Sheriff Finnerty, NYLJ 7/29/83 p. 13, c. 4, contains a clear statement of the broad absolute immunity of judges and, further, deals with the very memorandum decision published in the New York Law Journal which is the principal basis of suit here by Doris Sassower. See Def. Br. 17. Plaintiffs, in their Brief, add no substantial law or relevant facts to what defendant-appellant has already addressed or to what this Court has considered in

Sassower v. Sheriff Finnerty.^{*} As to all aspects of the complaint in this case, the George Sassower decision of this Court (which may not be relitigated here) is dispositive, and compels reversal of the order below.

* As to the published decision, plaintiffs now agree that something -- they limit it to a motion to hold George Sassower in criminal contempt -- was pending before Judge Signorelli on February 24, 1978. (Pl. Br. 12, 21). As to the alleged acts unrelated to the published decisions, plaintiffs now ascribe their commission to "lower eschelon [sic] employees" (Pl. Br. 15), nowhere described as employees of appellant, and attempt to justify suing Judge Signorelli regarding those acts simply because he is a "powerful official." Id. Of Course, that is no basis for suit whatever.

CONCLUSION

THE DECISION BELOW SHOULD BE REVERSED
AND THE COMPLAINT DISMISSED.

Dated: New York, New York
September 13, 1983

Respectfully submitted,

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