

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER,
Plaintiff,

-against-

ERNEST L. SIGNORELLI, et al.,
Defendants.

Docket No. 77 Civ. 1447 (JM)

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GEORGE SASSOWER, individually, etc.,
Plaintiff,

AFFIDAVIT IN OPPOSITION TO
MOTION TO VACATE ORDERS
OF DISMISSAL AND FOR
SUMMARY JUDGMENT

-against-

ERNEST L. SIGNORELLI, et al.,
Defendants.

Docket No. 78 Civ. 124 (JM)

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STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

ROBERT M. CALICA, being duly sworn, deposes and
says:


1. I am a member of the firm of Reisman, Peirez
and Reisman, Esqs., and a member of the bar of this Court.
My firm is "of counsel" to Martin Bradley Ashare, Esq., the
County Attorney of Suffolk County, attorney for defendants
Anthony Mastroianni (the Public Administrator of Suffolk
County), John P. Finnerty (the Sheriff of Suffolk County),
Alan Croce and Anthony Grzymalski (deputy sheriffs), and the
County of Suffolk.

2. By separate motions initially returnable
before Judge Mishler on October 9, 1984, plaintiff George

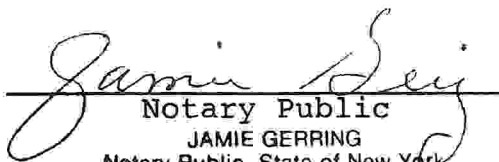
Sassower previously moved under Fed. R. Civ. P. 60(b) to set aside the prior orders which dismissed these actions "with prejudice", which dismissals were thereafter affirmed by the United States Circuit Court of Appeals for the Second Circuit, (594 F.2nd 852). The Suffolk County defendants have previously submitted an affidavit in opposition to those motions.

3. The present motions made by Mr. Sassower, returnable on October 31, 1984, differ from the prior pending motions only by the inclusion of a request for "summary judgment" against defendants Finnerty, Croce and Grzymalski in these long dismissed cases.

4. The within actions having previously been dismissed, and this court not yet having passed upon Mr. Sassower's pending motion to vacate those orders of dismissal, it is unfathomable how plaintiff can seek summary judgment against defendants Finnerty, Croce and Grzymalski at this time. We respectfully request that in the remote event this court's prior orders of dismissal are ultimately vacated, modified, or disturbed, we be given notice of and an opportunity to meet, and answer that branch of the the present motion which seeks summary judgment.


ROBERT M. CALICA

Sworn to before me this
25th day of October, 1984


Notary Public
JAMIE GERRING
Notary Public, State of New York
No. 30-4762312
Qualified in Nassau County
Commission Expires March 30, 1986