

GEORGE SASSOWER, ESQ.-AFFIDAVIT-IN OPPOSITION

[10-11]

STATE OF NEW YORK : COURT OF CLAIMS
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In the Matter of the Claim of

GEORGE SASSOWER,

Claim No. 62894

Claimant.
-----x

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

GEORGE SASSOWER, Esq., first being duly sworn,

deposes and says:

This affidavit is in opposition to the Motion by the State of New York dated March 21, 1979.

1. The issues raised by the State's motion are one of law, appropriate for Memoranda rather than affidavit.

2. Insofar as the State's claim that my Notice of Claim was not timely filed, I believe that the date for the commencement of my cause of action runs not from November 6, 1978 but from December 20, 1978.

In any event, as set forth in my cross-motion, there has been no prejudice since the Attorney General has been well aware of this claim and involved in extensive litigation in this matter since such date.

3. Insofar as the State claims that my Notice of Claim does not comply with Rule 3016(a), I submit that the published opinion which I complained of is set forth at 65 A.D.2d 756, 409 N.Y.S.2d 762 and no purpose would have been

served by setting forth a copy of same in my filed Notice of Claim.

If this Court is inclined to opine otherwise, I request that leave be granted to reserve my Notice of Claim to correct any form deficiencies.

4. For the pupose of this motion, the State concedes that the gratuitous irrelevant matters were manifestly impertinent and beyond the scope of the issues presented to the Appellate Division, besides being false in fact.

Additionally such gratuitous remarks infringed upon my liberty and property interests by publicizing matters which by statute are deemed private and confidential.

WHEREFORE, it is respectfully prayed that the motion by the State of New York be denied in all respects.

GEORGE SASSOWER

Sworn to before me this
11th day of April, 1979.

MURIEL GOLDBERG
Notary Public, State of New York
No. 60-4518474 Westchester County
Commission Expires March 30, 1981 *PI*