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May 23, 2006

George Freeman, Assistant General Counsel
The New York Times Company
229 West 43rd Street
New York, New York 10036

RE: Cross-motion for sanctions, etc. against you, The New York Times Company Legal Department, & defendants in *Sassower, et al. v. The New York Times Company, et al.* Westchester Co. Index #05-19841

Dear Mr. Freeman:

This responds to your May 8th letter – not received by me until May 12th. This, because you chose to send it by regular mail, disregarding that my May 1st letter to you expressly requested that you promptly respond by fax and e-mail.

I have previously objected to your using the slowest and most cumbersome, rather than the fastest and most convenient, modes of communication¹. Please explain why you have continued to do so, other than to engage in “sharp practice” when you knew that your dismissal motion bore a May 8th return date. Plainly, had your motion been on the May 8th calendar of any judge, plaintiffs would have already been in default in answering by the time your letter reached me, four days later. Particularly is this so as your May 12th letter did not state that you had taken any steps to notify the court of our consented-to adjournment of the date for my answering papers to June 1st.

On May 15th, immediately upon learning that on May 8th Acting Supreme Court Justice Gerald E. Loehr had been specially assigned to the case by Chief Administrative Judge Francis A. Nicolai, after recusals by three randomly-assigned judges, I spoke with his law clerk, Bruce Pearl, who had no knowledge of the consented-to adjournment. I advised him of same and, in

¹ See my March 17, 2006 letter to you – to which your only response was your mailing to me of a copy of your March 1, 2006 notice of appearance and demand for complaint that you had previously failed to serve me. See, also, my January 13, 2006 letter to Mr. McCraw, to which you were an indicated recipient – annexed as Exhibit T-11 to plaintiffs’ verified complaint.

Ex 2-5

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substantiation, provided him with our pertinent exchange of correspondence: my faxed and e-mailed April 17th letter to you – and your faxed April 18th response; my faxed and e-mailed May 1st letter to you – and your responding mailed May 8th letter, not received by me until May 12th.

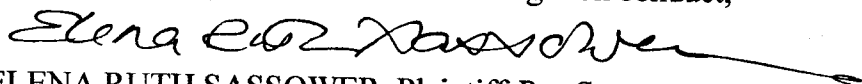
I also requested and received from Mr. Pearl a copy of your RJI. Although your RJI was apparently not purchased and filed until April 25th – a full week after you had consented to adjourning your motion for a month – it still identifies “5/8/06” as the return date of your motion.

Please be advised that, as agreed, I will be serving you with answering papers on June 1st. In conjunction therewith I will be making the cross-motion for sanctions and disciplinary referral indicated by my May 1st letter to you. This, based on your failure to withdraw your dismissal motion, notwithstanding you do not deny that it is “[f]rom beginning to end...fashioned on flagrant falsification and material omission of the complaint’s pleaded allegations and on law either inapplicable by reason thereof or itself falsified by your motion”.

So that there is no question that your fraudulent dismissal motion is interposed with the knowledge and consent of your superiors in the New York Times Company Legal Department, as well as of the defendants – both those for whom you have appeared and for whom you should have appeared, all of whom are, in fact, your co-defendants – please apprise them that my cross-motion will also be directed against them.

To allow you sufficient time to respond to the cross-motion – and for me to reply – I will be making the cross-motion returnable at 9:30 a.m. on Wednesday, June 14, 2006 – “Flag Day”. In the interest of judicial economy – and because Judge Loehr will not be sitting on Thursday, June 8th, I have asked Mr. Pearl to make your dismissal motion returnable on June 14th as well.² Should you have any objection, please advise.

Yours for a quality judiciary, responsible journalism,
& cognizable standards of litigation conduct,



ELENA RUTH SASSOWER, Plaintiff *Pro Se*

cc: Acting Supreme Court Justice Gerald E. Loehr
ATT: Bruce Pearl, Law Clerk
Eli Vigliano, Esq.

² I believe this to be consistent with your request to me, by your April 18th letter, that I should “advise the judge who has been assigned to this case that there will be an adjournment of the return date to a date of his/her convenience in mid-June”.