

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
ELENA RUTH SASSOWER, individually, and as  
Coordinator of the Center for Judicial Accountability, Inc.,  
CENTER FOR JUDICIAL ACCOUNTABILITY, INC.,  
and The Public as represented by them,

Index #05-19841

Plaintiffs,

-against-

**NOTICE OF CROSS-MOTION**  
**Oral Argument Requested**

THE NEW YORK TIMES COMPANY, The New York Times,  
ARTHUR SULZBERGER, JR., BILL KELLER,  
JILL ABRAMSON, ALLAN M. SIEGAL, GAIL COLLINS,  
individually and for THE EDITORIAL BOARD,  
DANIEL OKRENT, BYRON CALAME, MAREK FUCHS,  
and DOES 1-20,

Defendants.

-----X  
PLEASE TAKE NOTICE that upon the annexed affidavit of Plaintiff ELENA RUTH SASSOWER, sworn to on June 1, 2006, the exhibits annexed thereto, Plaintiffs' accompanying memorandum of law, dated June 1, 2006, and upon all the papers and proceedings heretofore had, Plaintiffs will make a cross-motion before ACTING SUPREME COURT JUSTICE GERALD E. LOEHR at 111 Dr. Martin Luther King Boulevard, White Plains, New York 10601, Room 103, on June 14, 2006 at 9:30 a.m., or as soon thereafter as the parties or their counsel can be heard for an order:

(1) imposing maximum costs and \$10,000 sanctions against defense counsel George Freeman, Esq., The New York Times Company Legal Department, and the defendants they represent pursuant to NYCRR §130-1.1, *et seq.*;

(2) referring defense counsel George Freeman, Esq. and The New York Times

Company Legal Department to appropriate disciplinary authorities pursuant to this Court's mandatory "Disciplinary Responsibilities" under the Chief Administrator's Rules Governing Judicial Conduct, 22 NYCRR §100.3D(2), for their knowing and deliberate violation of New York's Disciplinary Rules of the Code of Professional Responsibility, including 22 NYCRR §1200.3 (DR 1-102: "Misconduct"); §1200.33 (DR 7-102: "Representing a Client Within the Bounds of the Law"); §1200.5 (DR 1-104: "Responsibilities of a Partner or Supervisory Lawyer"); §1200.28 (DR 5-109: "Organization as Client"); §1200.20 (DR 5-101: "Refusing Employment When the Interests of the Lawyer May Impair Independent Professional Judgment");

(3) disqualifying defense counsel George Freeman, Esq. and The New York Times Company Legal Department, both as attorneys for the corporate defendant, THE NEW YORK TIMES COMPANY, and as attorneys for the individual defendants on grounds of conflict of interest and because they are witnesses;

(4) granting a default judgment against the non-appearing defendants OKRENT, FUCHS, DOES 1-20, The New York Times and its EDITORIAL BOARD pursuant to CPLR §3215;

(5) giving notice, pursuant to CPLR §3211(c), that defendants' motion is being considered by the Court as one for summary judgment in plaintiffs' favor on their verified complaint's three causes of action: for defamation (¶¶139-155), for defamation *per se* (¶¶156-162), and for journalistic fraud (¶¶163-175), with additional notice, as part thereof, that the Court will be determining whether defendant THE NEW YORK TIMES COMPANY should be ordered to remove the words "All the News That's Fit to Print" from The New York Times'

front-page as a false and misleading advertising claim, in violation of public policy, including General Business Law, Article 22-A (§§349 and 350, *et seq.*) and New York City Administrative Code §20-700, *et seq.*;

(6) for such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served on plaintiffs no later than June 8, 2006 so as to be delivered to them no later than June 9, 2006.

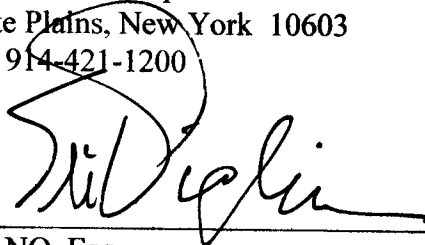
Dated: White Plains, New York  
June 1, 2006

Yours, etc.,



---

ELENA RUTH SASSOWER, *Pro Se*  
Individually, and as Coordinator of the CENTER FOR  
JUDICIAL ACCOUNTABILITY, INC., & for The Public  
16 Lake Street, Apartment 2C  
White Plains, New York 10603  
Tel: 914-421-1200



---

ELI VIGLIANO, Esq.  
Attorney for CENTER FOR JUDICIAL ACCOUNTABILITY, INC.,  
& for Plaintiff ELENA RUTH SASSOWER as Coordinator,  
& for The Public  
4901 Henry Hudson Parkway  
Bronx, New York 10471  
Tel: 718-884-3747

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
ELENA RUTH SASSOWER, individually and as  
Coordinator of the Center for Judicial Accountability, Inc.,  
CENTER FOR JUDICIAL ACCOUNTABILITY, INC.,  
and The Public as represented by them,

Plaintiffs,

Index #05-19841

-against-

THE NEW YORK TIMES COMPANY, The New York Times,  
ARTHUR SULZBERGER, JR., BILL KELLER,  
JILL ABRAMSON, ALLAN M. SIEGAL, GAIL COLLINS,  
individually and on behalf of THE EDITORIAL BOARD,  
DANIEL OKRENT, BYRON CALAME, MAREK FUCHS,  
and DOES 1-20,

Defendants.

---

**NOTICE OF CROSS-MOTION &  
AFFIDAVIT OF PLAINTIFF SASSOWER**

---

ELENA RUTH SASSOWER, *Pro Se*  
Individually & as Coordinator of the CENTER FOR  
JUDICIAL ACCOUNTABILITY, INC., & for The Public  
16 Lake Street, Apartment 2C  
White Plains, New York 10603  
Tel: 914-421-1200

ELI VIGLIANO, Esq.  
Attorney for CENTER FOR JUDICIAL ACCOUNTABILITY, INC.,  
& for Plaintiff ELENA RUTH SASSOWER as Coordinator,  
& for The Public

4901 Henry Hudson Parkway  
Bronx, New York 10471  
Tel: 718-884-3747