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,

-against-

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

Index #05-19841

Reply Affidavit in Further Support of Plaintiffs' Cross-Motion for Sanctions, Referrals, Disqualification, Default Judgment, Summary Judgment & Other Relief

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

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

1. I am the plaintiff *pro se* in the above-entitled action for libel and journalistic fraud, fully familiar with all the facts, papers, and proceedings heretofore had.

2. This affidavit replies to Mr. Freeman's June 9, 2006 "reply affidavit", which he has submitted in further support of his dismissal motion and in opposition to plaintiffs' cross-motion. As hereinafter shown, Mr. Freeman's reply affidavit further mandates this Court's denial of his dismissal motion and the granting of plaintiffs' cross-motion in all respects.

Indeed, Mr. Freeman's reply affidavit -- like his dismissal motion – is, from beginning to end and in virtually every sentence, a fraud on this Court, warranting additional imposition of costs and financial sanctions, pursuant to 22 NYCRR §130-1.1 *et seq.*, and reinforcing the Court's duty to refer him and culpable colleagues and supervisory personnel in The New York Times Company Legal Department to disciplinary authorities[1].

3. At the outset, it must be noted that Mr. Freeman's reply affidavit is unsupported by any law. He has submitted no accompanying memorandum of law – and his reply affidavit neither refers to, nor discusses, any law. As a consequence, plaintiffs' entitlement to denial of Mr. Freeman's dismissal motion and the granting of their cross-motion based on the legal authority presented by their 64-page memorandum of law is entirely unopposed.

4. Insofar as plaintiffs' cross-motion, Mr. Freeman's reply affidavit omits any mention of its fourth, fifth, and sixth branches of relief for an order:

> "(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

---

[1] See: *Matter of Rowe*, 80 N.Y.2d 336, 340 (1992):

> "the courts are charged with the responsibility of insisting that lawyers exercise the highest standards of ethical conduct...Conduct that tends to reflect adversely on the legal profession as a whole and to undermine public confidence in it warrants disciplinary action (see *Matter of Holtzman*, 78 NY2d 184, 191, cert denied, __US__, 112 S.Ct 648; *Matter of Nixon*, 53 AD2d 178, 181-182; cf., *Matter of Mitchell*, 40 NY2d 153, 156)."

'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."

5. Thus, plaintiffs' presentation of facts entitling them to relief as to the fourth, fifth and sixth branches is entirely unopposed by Mr. Freeman, with plaintiffs' legal showing uncontested.[2]

6. Insofar as the first, second, and third branches of plaintiffs' cross-motion, Mr. Freeman's 10-paragraph reply affidavit devotes exactly two paragraphs under a heading "Cross-Motion for Sanctions and Disqualification" (¶¶3-4). He then presents four paragraphs under a heading "The Times' Motion to Dismiss Should Be Granted" (¶¶5-8). This is then followed by one paragraph pertaining to his "Corrected Exhibit A" (¶9) and a one-paragraph "Conclusion" (¶10). None of these eight paragraphs, nor his prefatory two, confront ANY of the particularized facts presented by my 18-page affidavit and embodied in plaintiffs' memorandum of law. All such facts are uncontroverted, entitling plaintiffs to relief ***as a matter of law*** based upon the uncontested law therein set forth

7. The legal principle governing answering affidavits – such as Mr. Freeman's reply affidavit – is that "Answering affidavits, in addition to complying with the formal requisites of the affidavits supporting the motion, should meet traversable allegations of the latter. Undenied allegations will be deemed to be admitted", 2 Carmody-Wait 2d §8:56, citing

---

[2] As to the fourth branch of relief (default): *see*: my affidavit: ¶¶32-34; plaintiffs' memorandum of law: pp 59-60; As to the fifth branch of relief (summary judgment): *See* my affidavit: ¶34; plaintiffs' memorandum of law: pp. 60-64.

Whitmore v. J. Jungman, Inc., 129 N.Y.S. 776 (Sup 1911). The standard is thus the same as for summary judgment: "failing to respond to a fact attested to in the moving papers...will be deemed to admit it", Siegel, New York Practice, §281 (4th ed.- 2005), p. 464) -- citing *Kuehne & Nagel, Inc. v. Baiden*, 36 N.Y.2d 539 (1975), itself citing Siegel, McKinney's Consolidated Laws of New York Annotated, Book 7B, CPLR 3212:16. "If a key fact appears in the movant's papers and the opposing party makes no reference to it, he is deemed to have admitted it".

Further, "when a litigating party resorts to falsehood or other fraud in trying to establish a position, a court may conclude that position to be without merit and that the relevant facts are contrary to those asserted by the party." Corpus Juris Secundum, Vol. 31A, 166 (1996 ed., p. 339).

All this is against the backdrop that "Those who make affidavits are held to a strict accountability for the truth and accuracy of their contents.", 2 Carmody-Wait 2d §4:12, citing *In re Portnow*, 253 A.D. 395 (2nd Dept. 1938).

8. For the convenience of the Court, a Table of Contents follows:

TABLE OF CONTENTS

* * *

MR. FREEMAN'S FRIVOLOUS & FRAUDULENT PRESENTATION UNDER HIS HEADING "CROSS-MOTION FOR SANCTIONS AND DISQUALIFICATION"

9. Mr. Freeman concedes (¶3) that plaintiffs made a "paragraph by paragraph" showing with respect to his dismissal motion and the first two branches of their cross-motion for sanctions and disciplinary referrals based thereon.[3] Yet he confronts NONE of these "paragraph by paragraph" particulars, either those presented by my affidavit or by plaintiffs' memorandum of law, both chronicling the fraud on the court committed by his dismissal motion with paragraph-by-paragraph precision.

10. Instead, Mr. Freeman asserts (¶3) that in his 30 years of practice he has never been accused of misconduct and that his dismissal motion was "rather routine". He then purports that my "paragraph by paragraph" charges "tend[] to underscore the lack of a substantive response to The Times' dispositive motion", and that these charges are "as inappropriate and unwarranted as they are offensive, and should not be condoned by this Court". Such is the extent of what he has to say on the subject – readily-revealed as a fraud on the court by the "paragraph by paragraph" particulars he has not identified, with knowledge that they constitute a "substantive response" to a motion demonstrated to be, from beginning to end and in virtually every sentence, founded on flagrant falsification, omission, and distortion

---

[3] By his heading and ¶3 text, Mr. Freeman conceals that plaintiffs' first branch sought "maximum costs", not just "$10,000 sanctions". Such relief, specified in plaintiffs' notice of motion was further identified in their memorandum of law (at p. 48), which quoted from the language of NYCRR §130-1.1(a) as to the definition of "costs", *to wit*, "reimbursement for actual expenses reasonably incurred and reasonable attorney's fees". Costs, unlike sanctions, are not limited to $10,000 (NYCRR §130-1.2) and

of the complaint's allegations and on law either inapplicable by reason thereof or itself falsified and distorted.

11. As to plaintiffs' third branch of relief in their cross-motion for Mr. Freeman's disqualification and that of The New York Times Company Legal Department on conflict of interest grounds and because they are witnesses, Mr. Freeman likewise does not deny, dispute – or even identify – the facts presented, here by ¶¶20-31 of my affidavit and pages 51-58 of plaintiffs' memorandum of law. Instead, he substitutes a bald assertion (¶4) that he and The Legal Department "certainly do not have adverse interests from our clients" – which has no probative weight, as he has not contested plaintiffs' recited facts particularizing these adverse interests, all of which he conceals. Indeed, even in purporting that he and Legal Department attorneys would not be witnesses at trial, Mr. Freeman conceals the basis upon which plaintiffs contended they would be, as set forth at pages 57-8 of their memorandum of law. Such was not based on involvement by the Legal Department at the time of the column's publication. Yet, Mr. Freeman falsely makes it appear that ¶21 of my affidavit corroborates that he and the Legal Department would not be witnesses because it "acknowledges...[that the Legal Department] had nothing to do with the Fuchs column and had not reviewed it (or even been aware of it) at the time of publication." In fact, ¶21 of my affidavit recites that Mr. Freeman and the Legal Department "are, in actuality, co-defendants – being among DOES 1-20...". As to this critical and pivotally-presented issue that Legal Department lawyers are, by virtue of the complaint's allegations (¶¶15, 125-138), themselves defendants, Mr. Freeman says nothing.

---

would be payable to plaintiffs.

12. As for Mr. Freeman's bald assertion (¶4)"We routinely handle the few New York libel suits filed against The Times such as this", I do not believe there have been "libel suits filed against The Times such as this" – in New York or elsewhere -- naming, as defendants, not only the corporation, but the highest corporate officers and directors, in addition to unnamed DOES in the Legal Department, and whose libel allegations emerge from a history of journalistic fraud by these very Times defendants, set forth as a cause of action. Further, my inspection of two other New York libel suits bears out the unusual manner in which this lawsuit has been handled. Those two libel lawsuits, *Ruth Cove v. The New York Times Company* (S.Ct/New York Co. #103309/03), and *David E. Bank v. The New York Times Company* (S.Ct/Westchester Co. #11636/00), were both handled by outside law firms and were not made the subject of pre-answer dismissal motions. Rather, The New York Times Company answered, raised affirmative defenses as part thereof, and proceeded to discovery before filing summary judgment motions.

MR. FREEMAN'S FRIVOLOUS & FRAUDULENT PRESENTATION UNDER HIS HEADING "THE TIMES' MOTION TO DISMISS SHOULD BE GRANTED"

13. Mr. Freeman concedes (¶5) that my affidavit and plaintiffs' memorandum of law are a "more than thorough critique of [his] moving papers", but purports that they have "given the court no reason to deny The Times's Motion to Dismiss." Such is a fraud – as Mr. Freeman well knows in not addressing plaintiffs' "more than thorough critique". Indeed, had Mr. Freeman confronted even the first four pages of plaintiffs' memorandum of law, he would have been forced to acknowledge that his motion had to be denied, ***as a matter of law***.

14. As for Mr. Freeman's pretense (¶5) that "the bulk" of plaintiffs' memorandum

of law consists of showing that he has "not adequately rebut[ted] or "not rebutted each line of [my] contextual analysis" of FUCHS' column, such is untrue in two respects. Firstly, this supposed "bulk" spans from pages 31-44 of plaintiffs' memorandum -- in other words, 14 pages out of a total of 64. More importantly, those pages demonstrate Mr. Freeman's not just inadequate rebuttal, but his "total inability to confront the very document that is decisive of plaintiffs' defamation claims, *to wit*, SASSOWER's contextual analysis of FUCHS' column – annexed to the complaint as Exhibit A" – a fact so-identified at page 4 of plaintiffs' memorandum of law and reiterated at pages 31-2 and 44.

15. Mr. Freeman does not deny or dispute the decisive significance of this contextual analysis even as he snidely asserts (¶5) that "plaintiffs' burden is to show that a viable cause of action for libel exits". Indeed, his citation to ¶25 of my affidavit for his quoted description of the analysis as "nothing less than...[the] most breathtaking of contextual examinations" – a description he does NOT contest – is best evaluated against the full ¶25:

> "25. No independent attorney, with such expertise in libel law as Mr. Freeman and his colleagues and superiors in The New York Times Company Legal Department -- Senior Counsel McCraw, Senior Vice President/Chief Legal Officer Solomon B. Watson, IV and Corporate Compliance Officer/Senior Counsel Rhonda Brauer – have, could fail to have recognized that a lawsuit based on my analysis of the FUCHS' column (Exhibit A) and my correspondence with defendants KELLER and CALAME based thereon (Exhibit Q-S) would present viable causes of action for defamation and defamation *per se*. Such was obvious from caselaw of the U.S Supreme Court and New York Court of Appeals, with which Mr. Freeman was well familiar[fn4], requiring that defamatory statements be viewed in context. As they surely recognized, my analysis was nothing less than the most breathtaking of contextual examinations – highlighting with line-by-line, paragraph-by-paragraph precision how the column's defamatory characterizations of me and

[fn4] "See cases cited by Mr. Freeman's memorandum of law – discussed by plaintiffs' memorandum of law (at pp. 24-25, 27-31)."

CJA were built on a succession of knowingly false and misleading implied and express facts and innuendos, buttressed by unidentified 'staunchest defenders', 'defenders', and a 'most earnest listener', who I contended were fictions." (underlining in the original).

16. It is without denying, disputing – or identifying -- my unequivocal assertion that the caselaw makes "obvious" that my contextual analysis of the column would support viable causes of action for defamation and defamation *per se* [4] that Mr. Freeman further asserts (¶6) that "The basic libel theories which dictate dismissal of the claims remain untouched by the opposition papers". This, too, is a flagrant fraud – and so established by pages 23-31 of plaintiffs' memorandum of law, demonstrating that the defamation and defamation *per se* causes of action (¶¶139-155; ¶¶156-162) are "fully consistent with 'Basic Libel Principles" – without dispute from Mr. Freeman.

17. As for Mr. Freeman's "example" (¶6) – repeating from his memorandum -- that

---

[4] Among the New York Court of Appeals caselaw, invoked by Mr. Freeman's dismissal motion, from which this is "obvious": *Immuno v. J. Moor-Jankowski*, 77 N.Y.2d 235, 250 (1991): "It has long been our standard in defamation actions to read published articles in context...not to isolate particular phrases but to consider the publication as a whole...." (at 250); "statements must first be viewed in their context..." (at 254); *James v. Gannett*, 40 N.Y.2d 415 (1976): "...the court will not pick out and isolate particular phrases but will consider the publication as a whole..." (at 420); *Steinhilber v. Alphonse*, 68 N.Y.2d 283 (1986): "we first examine the content of the whole communication..." (at 293); *600 West 115th Street Corp. Gutfeld*, 80 N.Y.2d 130 (1992): "In *Immuno*, we endorsed a methodology derived from *Steinhilber v. Alphonse*...that requires that a court look 'at the content of the whole communication..." (at 145).

Further New York Court of Appeals caselaw includes *Silsdorf v. Levine*, 59 N.Y.2d 8 (1983): "The entire publication...must be considered..." (at 13); *Gaeta v. New York News*, 62 N.Y.2d 340 (1984): "offending statements can only be viewed in the context of the writing as a whole, and not as disembodied words, phrases or sentences" (at 349); *Gross v. New York Times Co.*, 82 N.Y.2d 146 (1993): "In all cases..the courts are obliged to consider the communication as a whole..." (at 155); *Armstrong v. Simon & Schuster, Inc.*, 85 N.Y.2d 373 (1995): "...the court must give the disputed language a fair reading in the context of the publication as a whole"; *Brian v. Richardson*, 87 N.Y.2d 46 (1995): "...the courts must consider the content of the communication as a whole..." (at 51); *Huggins v. Moore*, 94 N.Y.2d 296 (1999): "allegedly defamatory statements 'can only be viewed in the context of the writing as a whole, and not as disembodied words, phrases or sentences'", quoting *Gaeta* (at 302).

FUCHS' recitation "regarding the Senate hearing and the court hearing resulting in [my] incarceration are not actionable because of the privilege for fair and accurate reports of official proceedings" – and that they are "unmistakably, and as a matter of law,...a fair rendition of those official proceedings" – and that plaintiffs' "quarrel" is "not [with FUCHS'] account" -- such is flagrantly false for the reasons specified by pages 2, 8-9, 26-27, 34-35, 38-40 of plaintiffs' memorandum and ¶¶11-12 of my affidavit – all ignored by him[5].

18. Mr. Freeman also baldly purports (¶7) that "Plaintiffs' attack on the opinion privilege is without merit". In fact, plaintiffs did not "attack" "the opinion privilege". Rather, their memorandum demonstrated (at pp. 27-31) by the very cases relied upon by Mr. Freeman, that no privilege attaches to the succession of false facts expressed and implied by FUCHS' column to illustrate and buttress its defamatory characterizations of SASSOWER. Mr. Freeman ignores plaintiffs' showing of false express and implied facts in making it appear that

---

[5] As for Mr. Freeman's plucking from page 26 of plaintiffs' memorandum the quote:

> "Fuchs' column is not a 'fair and accurate' account of official proceedings in that it completely covers up governmental misconduct readily disclosed by the records of the Senate Judiciary Committee's proceedings on Judge Wesley's confirmation and by the records of judicial proceedings before Judge Holeman. (Emphasis added)" (¶6)

He removes the emphasis of that sentence – which had been solely on "readily". This, in addition to omitting the beginning of the sentence and its preceding context that the very purpose of the privilege of "publishing fair and accurate reports of an official proceeding" – violated by FUCHS' column – is, in the words of Mr. Freeman's memorandum of law:

> "to allow the press, as surrogates for the public, to freely report on Government activities, and in so doing, fulfill its constitutional obligation to report to the public on what its government is doing."

Mr. Freeman does not deny that the pertinent records "readily disclose[]" "governmental misconduct, while nonetheless seeking to have The Times benefit from reflexive application of the privilege, divorced from its purpose.

their only objection is to FUCHS' buttressing his characterizations on sources who are "fictions". As to such sources, Mr. Freeman purports (¶7) that even were they fictions, their characterizations would be "protected opinion" – a proposition for which he provides no law, while simultaneously ignoring plaintiffs' contrary argument and citation of legal authority (at pp. 32-33). Nor does he explain why, if the sources are not fictions, which, in a parenthesis he alleges to be the case, he is not coming forward with their names as proof thereof. As for his concluding bald claim that the characterizations of me in FUCHS' column "are not dependent on undisclosed facts.", such is without addressing plaintiffs' showing, by the analysis (Exhibit A), that the column exemplifies these characterizations by false express and implied facts.

19. Finally, it is a gross distortion for Mr. Freeman to portray (¶8) plaintiffs' memorandum of law as complaining that his dismissal motion does "not give adequate space to [their] purported cause of action for 'journalistic fraud'" – when what plaintiffs detailed (at pp. 3-4, 17, 20-21) was the legal insufficiency of Mr. Freeman's motion for purposes of dismissing the journalistic fraud cause of action. Mr. Freeman does not confront that showing in any respect. This permits him to regurgitate that "no such cause of action exists" in complete disregard of the operative fact – summarized by plaintiffs' memorandum of law (at pp. 20-21), with substantiating legal authority - that "the law evolves, with new causes of action emerging", which he does not deny, dispute, or identify.

20. A journalistic fraud cause of action is – as stated (at p. 21) – "essentially a cause of action for fraud, in the context of a constitutional tort" – and Mr. Freeman has NOT advanced a single argument, constitutional or otherwise, nor put forward ANY legal authority

– to impede a cause of action for fraud against these media defendants. This, notwithstanding his "extensive background and expertise in media law and his access to unparalleled legal resources, including to the most stellar academicians and practitioners of media law and the first amendment.".

21. Explicit from the law review article "*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Malpractice*", 14 Fordham Intellectual Property, Media & Entertainment Law Journal 1, 12 (2003) – which Mr. Freeman does not address on the pretense that it has "no...applicability" beyond the circumstances of the Jayson Blair case – is that "It is well-settled U.S. Supreme Court precedent that news organizations lack immunity from generally applicable tort liability" – citing, for that proposition, *Cohen v. Cowles Media Co.*, 501 U.S. 663, 669-70 (1991) – the case from which the quote that appears at page 1 of the verified complaint was taken. Fraud is a tort – and recognized cause of action.

22. Applying such recognized cause of action to the media would be an appropriate "legal intervention" to secure the "marketplace of ideas" on which a healthy democracy and First Amendment jurisprudence rest. The necessity of devising a "legal intervention" for such purpose was recognized 40 years ago in the law review article "*Access to the Press – A New First Amendment Right*", 80 Harvard Law Review 1641 (1967).

23. As for Mr. Freeman's pretense (¶8) that the complaint's ¶¶163-175 "underscor[e] the emptiness of [the journalistic fraud] claim", examination of these paragraphs -- comprising plaintiffs' journalistic fraud cause of action -- makes evident that plaintiffs have pleaded the requisite elements for sustaining such cause of action, as was stated at page 15 of their memorandum of law, without response from him.

MR. FREEMAN'S FRAUDULENT PRETENSE AS TO HIS "CORRECTED EXHIBIT A"

24. In belatedly providing the Court with a corrected Exhibit A, Mr. Freeman purports he had "mistakenly attached the wrong transcript" to his earlier affidavit and apologizes for "this innocent error". There is no basis for believing there was anything accidental or inadvertent in Mr. Freeman's original Exhibit A. As demonstrated throughout plaintiffs' 64-page memorandum of law and throughout my prior 18-page affidavit, flagrant fraud pervades every aspect of Mr. Freeman's dismissal motion – and such has been replicated by his reply affidavit, as herein demonstrated, with comparable "paragraph by paragraph" precision. Indeed, Mr. Freeman's failure to deny, dispute – or to even identify – ¶¶9-11 of my affidavit bespeaks his knowledge that he cannot corroborate his self-serving claim of "innocent error".

MR. FREEMAN'S FRAUDULENT "CONCLUSION"

25. Mr. Freeman's concluding paragraph (¶10) -- like his previous paragraphs – is deceitful in multiple respects. He purports that "it is clear that there are no false and defamatory statements of fact in the article" – to which he now affixes the modification "we believe". Thereafter, he unequivocally states "The column contains no unprotected false and defamatory factual statements". He also repeats his maligning misrepresentations of me and my advocacy[6]. All these are frauds on the Court – exposed by plaintiffs' memorandum of law (*inter alia*, pp. 23-44). Indeed, it is because plaintiffs' memorandum is so dispositive, as likewise my accompanying affidavit, that Mr. Freeman seeks to steer the Court away from

[6] Mr. Freeman's tally of my letters to The Times is now a more definite "300 letters" – from

them. Thus he states: "what the Court must consider on this motion is not the voluminous submissions of the parties, but simply whether anything in the 17-paragraph column is actionable as a legal matter". This is yet a further fraud.

As Mr. Freeman well knows, being a seasoned practitioner with 30 years experience, the Court is not free to act, independent of the motions before it – and it is the sufficiency of these, Mr. Freeman's dismissal motion and plaintiffs' cross-motion, that are before the Court for adjudication.

WHEREFORE, *as a matter of law*, Mr. Freeman's dismissal motion must be denied and plaintiffs' cross-motion granted in all respects, with imposition of additional maximum costs and sanctions against Mr. Freeman and his colleagues and supervisors in The New York Times Company Legal Department who have aided, abetted, and conspired with him on his reply affidavit.

ELENA RUTH SASSOWER

Sworn to before me this
13th day of June 2006

Notary Public

LAURA MARJI
Notary Public, State of New York
No. 01MA6049278
Qualified in Westchester County
Term Expires Oct. 10, 2006

his representation in his memorandum of law (at p. 2) of "over 250 letters...over the past 15 years".

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.

REPLY 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