

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT

-----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,

App Div. #2006-8091  
#2006-10709  
#2007-186

Plaintiffs-Appellants,

**Supplemental Affidavit**

-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-Respondents.

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

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

1. I am the plaintiff-appellant *pro se* in the above-numbered consolidated appeals, fully familiar with all the facts, papers, and proceedings heretofore had.

2. This supplemental affidavit is submitted simply to add my notarized signature to the handwritten affidavit I wrote at the Clerk’s Office on April 23, 2007 in support of my Order to Show Cause, returnable on May 2, 2007. Inadvertently, I signed only my simultaneously-prepared April 23, 2007 handwritten letter to the Court’s Clerk, James Pelzer, which I had constructed from a cutting and pasting of a photocopy of that same handwritten affidavit (Exhibit A) – and upon which Mr. Pelzer granted, administratively, the relief

requested by the first branch of my Order to Show Cause.

3. I attest to the truth of my handwritten April 23, 2007 affidavit and request that the Court grant my Order to Show Cause's remaining second branch:

“permitting a supplement to the Record on Appeal – consisting of correspondence with the OCA as to the status of Westchester Co. Court Judge Gerald Loehr & procedures and rules pertaining to Acting Supreme Ct justices.”

4. For the convenience of the Court and to facilitate readability, I have typed the entirety of my handwritten April 23, 2007 affidavit – whose paragraphs 5-7 are germane to the second branch of relief:

“State of New York )  
County of Brooklyn ) ss:

Elena Ruth Sassower, being duly sworn, deposes and says:

(1) I am the plaintiff-appellant pro se herein and request permission to file an enlarged brief – exceeding the word limit of 14,814 approved by this Court's Clerk, James Pelzer.

(2) Such approval by Mr. Pelzer was based on a draft brief submitted to him pursuant to Sec. 670.10.3(e) of the Rules of this Court, under a coverletter requesting an enlarged brief to 14,900 words so as to:

‘accommodate additional record citations and modifications’.

(3) It appears that Mr. Pelzer was unable – or felt himself unable – to grant the requested 14,900 words because the submitted draft brief was 14,816.

(4) Mr. Pelzer's April 6, 2007 letter to me, and my March 29, 2007 letter to him are annexed to the finalized brief that plaintiffs-appellants wish to file, as part of the Certificate of Compliance.

(5) These additionally requested words are attributable to copious record references that annotate the brief and, additionally, because – as a convenience to the Court[,] plaintiffs-appellants reproduced, in full, Part 33 of the Rules of the Chief Judge, which had not been included in the draft brief. Such verbatim

quotation of Part 33 appears at pages 40-41 of what is now Point I, relating to the assignment of County Court Judge Gerald E. Loehr, as an Acting Supreme Court justice, for this case.

(6) To further assist the Court in resolution of this threshold Point I, plaintiffs-appellants have submitted a supplement to the Record on Appeal, consisting of correspondence with the Office of Court Administration of the Unified Court System pertaining to Judge Loehr's status and the procedures and rules pertaining to his designation as Acting Supreme Court justice.

(7) By this affidavit, plaintiffs-appellants additionally request permission for inclusion of this exchange of correspondence with the OCA in the Record on Appeal. It was not anticipated that such included correspondence would be problematic as these are OCA records, of which judicial notice may be taken. Such was so-stated at footnote 1 of plaintiffs-appellants' brief.

(8) The supplement is preceded by a yellow coversheet marked

'Supplement to the Record  
Correspondence with the Unified Court System/  
Office of Court Administration'

The exchange of correspondence spans pages 904-935 at the back of the bound record."

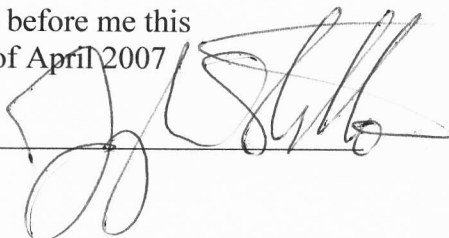
5. Finally, I take this opportunity to join in the assessment of Eli Vigliano, Esq., in his April 24, 2007 supporting affirmation, that the supplement is

"essential to adjudication of plaintiffs-appellants' first question presented by their appellate brief (at pp. x) and their Point I argument therein (at pp. 40-45)."

WHEREFORE, it is respectfully prayed that permission be granted to include the supplement in the bound Record.

  
ELENA RUTH SASSOWER

Sworn to before me this  
25<sup>th</sup> day of April 2007



JOSEPH CASTELLANO  
Notary Public, State of New York  
No. 04CA5075933  
Qualified in Westchester County  
Commission Expires April 14, 2011

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APPELLATE DIVISION, SECOND DEPARTMENT

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**SUPPLEMENTAL AFFIDAVIT OF  
ELENA RUTH SASSOWER**

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